

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9092-2022 (O&M)

Date of Decision:- 01.8.2022

Vinod Kumar

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Gupta, Advocate, for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by SI Dharampal.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.624 dated 14.12.2021 under Sections 406, 419, 420, 467, 468, 471, 506, 120-B of the Indian Penal Code, 1860 registered at Police Station Ambala Cantt., District Ambala, Haryana.
2. At the time of issuance of interim bail the following order was passed on 04.03.2022:

“Taken up in physical mode.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.624 dated 14.12.2021 under Sections 406, 419, 420, 467, 468, 471, 506, 120-B of the Indian Penal Code, 1860 registered at Police Station Ambala Cantt., District Ambala, Haryana.

Learned counsel for the petitioner would contend that the petitioner is not named in the FIR and his name has only surfaced in the disclosure statements of Veena Sharma and Ashok Kumar. It is further contended that there is no other prima facie evidence to link the petitioner to the alleged incident.

Notice of motion.

On the asking of the Court, Mr. Viney Phogat, DAG Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the State is not in a position to deny the fact that the petitioner is not named in the FIR lodged by the complainant and no role has been attributed to him. He has, however, stated that the petitioner's name has surfaced in the disclosure statements of Veena Sharma and Ashok Kumar.

List on 25.04.2022.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bonds with adequate surety to the satisfaction of the Investigating/Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973."

3. Learned State counsel, upon instructions from SI Dharampal, has informed that pursuant to interim directions, the petitioner has joined investigation, but has not disclosed the name of co-accused. It has also been informed that the petitioner otherwise has a clean record and is not involved in any other case.
4. Having regard to the fact that the petitioner came to be nominated as accused on the basis of a disclosure statement and has otherwise joined investigation and enjoys a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 04.3.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

01.8.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No