

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-12966-2022

Date of decision:21.10.2022

Pardeep Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.479 dated 05.10.2021 registered under Section 409 IPC at Police Station Civil Line, Kaithal, District Kaithal.

On 30.03.2022, this Court was pleased to pass the following order:-

“Learned Senior Counsel for the petitioner inter alia contends that the petitioner is only working as a Junior Engineer in the Electricity Department and all work undertaken by a Junior Engineer has to be verified by the concerned SDO, who has to sign each and every document pertaining to the work including, petty work. It is further submitted that as per the FIR, the primary allegation levelled against the petitioner is that he has not produced material account for the Financial Year 2016-17 to the Nigam. It is argued that after the rejection of the bail application of the petitioner, the family members of the petitioner had approached the official of the concerned Division and requested for photocopies of the Electrical Measurement Book (for short 'EMB') and after repeated requests having been made, some of the original EMB were handed over to the brother of the petitioner. It is contended that the petitioner undertakes to submit the said original record of EMB to the Investigating Officer in case, interim protection is granted to

him. Reliance has been placed upon Annexures P-3 to P-5 in order to state that same are EMB and as per which, the entry in the same has been countersigned by the SDO. It is argued that against the dismissal of the petitioner from service, the petitioner has filed an appeal before the statutory authority. It is further argued that the present FIR has been registered after a delay of 5 years as the Financial Year in question is 2016-17 whereas, FIR has been registered in the year 2021.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 12.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned State Counsel is directed to file a status report with respect to the authenticity of documents (Annexures P-3 to P-5) and also to place on record any other document which would be necessary for the adjudication of the present case.

30.03.2022 (VIKAS BAHL)
JUDGE”

Thereafter, on 15.09.2022, this Court was also pleased to pass the following order: -

“Learned State Counsel has submitted that although, the petitioner has joined the investigation and has also cooperated the same but he is still required for further investigation.

The petitioner is again directed to join the investigation before the concerned Investigating Officer on 11.10.2022 at 11:00 AM.

Adjourned to 21.10.2022.

Interim order to continue.

15.09.2022 (VIKAS BAHL)
JUDGE”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Raj Kumar, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 30.03.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 30.03.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

21.10.2022
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Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No