

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-14998-2022(O&M)
Decided on : 17.05.2022

Ashish Kumar

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 53 dated 12.03.2022 under Sections 380 and 457 of the Indian Penal Code, 1860 registered at Police Station Jathlana, District Yamuna Nagar.

On 08.04.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioner inter alia contends that there is a delay of 16 days in registration of the FIR and as per the FIR, only one person had been seen by the complainant, running out of the house and the said person was Sachin who, as per the case of the petitioner, had friendly relations with the complainant and has submitted that it is only on the basis of disclosure statement of said Sachin that the petitioner has been involved in the present

case. It is further submitted that even as per the said disclosure statement, it has been stated that cash was kept by Ashish whereas, gold jewellery etc. were taken by Jassi and the ATM Card, documents and key of motorcycle etc. were thrown in the Yamuna river. It is further contended that the petitioner is not involved in the present case and has been falsely implicated on account of enmity between the petitioner and Sachin. It is also contended that however, in order to show his bona fide, the petitioner is ready to give an amount of Rs.20,000/- to the complainant without admitting his liability.

Notice of motion.

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

Adjourned to 17.05.2022.

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.

The petitioner is directed to prepare demand draft of Rs.20,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of one month from today, who shall further handover the same to the complainant.

It is made clear that in case, the demand draft of Rs.20,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of one month from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated. ”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has given the demand draft

amounting to Rs.20,000/- in the name of the complainant-Sarjit Kaur to the Investigating Officer and has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions from HC Santosh Kumar has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 08.04.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 08.04.2022 is ordered to be made absolute.

However, 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 application.

All the pending miscellaneous applications, if any, stand disposed of, in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

17.05.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No