

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-15337-2022
Decided on : 19.05.2022

Sanjay

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Rahul Jaswal, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, 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. 134 dated 08.03.2021 under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Samalkha, District Panipat.

On 18.04.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioner inter alia contends that the petitioner is not even remotely involved in the present case inasmuch as neither he is the complainant in FIR No.68 dated 04.02.2020 nor has submitted the alleged forged affidavit to the police. It is argued that a perusal of the order dated 05.04.2022 (Annexure P-3) vide which anticipatory bail application of the

petitioner has been rejected, would show that affidavit in question had been handed over to the police by coaccused Bhunesh whose anticipatory bail application has been dismissed. It is further argued that neither the petitioner has been named in the FIR nor had any dispute with the complainant and he is sought to be involved only on the basis of disclosure statement made by co-accused Maman and Subhash. It is contended that the disclosure statement made before the police is inadmissible in evidence and at any rate, the present petitioner has not prepared any affidavit nor given the same to the police. It is further contended that the petitioner is not involved in any other case.

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 19.05.2022.

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 counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions from SI Krishan Kumar 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 18.04.2022 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 18.04.2022 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.

(VIKAS BAHL)
JUDGE

19.05.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No