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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-17255-2022

Date of decision : 23.11.2022

Mithu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ashutosh Gupta, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.115 dated 05.03.2022 registered under Sections 406, 420, 506 of the Indian Penal Code, 1860 at Police Station City Thanesar, District Kurukshetra.

On 27.04.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“1. Notice of motion.

2. Mr. Sumit Gupta, Addl. A.G. Haryana waives service of notice on behalf of respondent-State.

3. Reply/status report be filed within three weeks.

4. In the meantime, till further orders, in the event of the arrest of the bail petitioner, by the arresting officer, the latter shall release him, subject to his furnishing personal

and surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into offences mentioned in the present FIR.

5. List on 24.05.2022.

6. Dasti copy.

27.04.2022

Sd/- (SURESHWAR THAKUR)

JUDGE”

Thereafter, on 22.09.2022, this Court had passed the following order:-

“Learned State counsel has pointed out that the petitioner was called to give his voice sample, but he has not cooperated on the said aspect.

Learned counsel for the petitioner has submitted that the petitioner will join the investigation 29.09.2022 at 11.00 AM and is ready to give his voice sample.

Adjourned to 20.10.2022.

Interim order to continue.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders, the petitioner has joined the investigation.

Learned State Counsel has submitted that the petitioner has joined the investigation and is ready to give his voice sample but the said request has been made by the State to the FSL Madhuban and till date, no date has been given by the FSL Madhuban for recording of the voice sample. It is further submitted that present petition for grant of anticipatory bail to the petitioner can be allowed subject to the petitioner appearing before the Investigating Officer as and when called more so for recording of the voice

sample.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders and also the fact that the petitioner has joined the investigation and the fact that he is ready to give his voice sample, the present petition is allowed and the interim order dated 27.04.2022 is ordered to be made absolute.

The petitioner would fully cooperate with the investigation and would appear before the Investigating Officer and also before the authorities of the FSL Madhuban at the time of recording of his voice sample.

It is made clear that in case, the petitioner does not comply with the abovesaid conditions then it would be open to the State to move an application for cancellation of anticipatory bail granted to him.

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.

23.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No