

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-17249-2022

Date of decision : 07.07.2022

Hansraj Yadav

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Harkesh Manuja, Advocate
for the petitioner.

Mr.Praveen Bhadu, 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 FIR no.63 dated 07.04.2022 registered under Sections 43/66D/75 I.T. Act, Sections 420, 120B IPC at Police Station Udyog Vihar, Gurugram.

On 27.04.2022 this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, a raid was conducted and even as per the prosecution case, neither the petitioner was apprehended at the spot nor the petitioner is the owner or the lessee of the premises in question nor the petitioner has been stated to be the Director of any of the floors, which were being used for the alleged illegal purpose. It is further submitted that there is no complaint moved by any customer to any person regarding the commission of any offence and even as per the allegations levelled in the FIR, no recovery of money or phone has been effected from the petitioner. It is further contended that the petitioner is sought to be implicated only on the basis of secret information.

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 07.07.2022.

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 said order, the petitioner has joined the investigation on 29.04.2022.

Learned State counsel 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 27.04.2022, 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 27.04.2022 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

July 07, 2022
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No