

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

CRM-M-23821-2020

Date of decision-22.02.2022

Raj Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. U.K.Agnihotri, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.689 dated 15.08.2018 under Sections 193, 420, 467, 468, 471, 506 and 120-B Indian Penal Code, 1860 registered at Police Station Assandh, District Karnal, who apprehends his arrest at the hands of Police.

Learned counsel for the petitioner has argued that the petitioner along with other accused persons was put to trial in case FIR No.38 dated 08.01.2012, FIR No.192 dated 27.05.2012 and FIR No.485 dated 12.10.2012, wherein petitioner and his brother Shiv Kumar were convicted through judgment dated 21.12.2017 and against that their appeal is pending before Court of Sessions and convicts are on bail. He submits that as per allegations in the present FIR, certain documents produced in the previous trial were alleged to be forged and therefore, on the strength of the statement made by complainant, present case has been registered and the allegations of extending threat by the accused are of 24.09.2017. He submits that

indirectly, the present case is another prosecution of the petitioner relating to the subject matter of the previous trial and as the case of the prosecution is based upon documentary material, therefore, the custodial interrogation of the petitioner may not be necessary. He further refers to the order dated 21.08.2020, whereby petitioner was directed to join the investigation and submits that the said order has been complied with.

Learned State counsel who is instructed by ASI Bahadur Singh does not dispute this fact that indeed the petitioner has joined the investigation and has also complied with the directions contained in the order dated 21.08.2020, but certain documents are yet to be recovered from him. In this regard, he has referred to the reply filed by the State, however, he is unable to justify the argument as the said documents are already on record in the case file of the previous trial.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 21.08.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

22.02.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No