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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28789-2021 (O&M)
Date of Decision:15.02.2022

Subham Soni

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Akshay Kumar Jindal, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.717 dated 18.09.2020, registered under Sections 419 and 420 IPC (Sections 506 and 120-B IPC added later on) at Police Station Thanesar City, District Kurukshetra. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 26.07.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that as per allegations in the FIR, the complainant had parted away with a sum of Rs.5 lac in favour of four co-accused, who assured him award of contact for preparation of Aadhar Card and petitioner has been falsely implicated on the ground that the complainant was introduced by him to those co-accused, who received a sum of Rs.1,90,000/-. He further submits that the petitioner and complainant were previously known to each other and were already engaged in business and the said amount transferred in petitioner's account was in relation to the said business.

According to him, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 15.11.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further states that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by SI Prem Chand does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 26.07.2021 is made absolute.

15.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No