

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(203)

CRM-M-32250-2021

Date of decision: - 02.05.2022

Sagar @ Abhishek and another

....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Virender Soni, Advocate, for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.40 dated 15.02.2021, under Sections 420, 406, 506 and 34 of the Indian Penal Code, 1860, registered at Police Station Bawani Khera, District Bhiwani.

On 17.08.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The petitioners herein seek the relief of anticipatory bail in the criminal case pertaining to the FIR bearing No.40 dated 15.02.2021 registered at Police Station Bawani Khera, District Bhiwani, under Sections 420, 406, 506, 34 IPC.

Learned counsel for the petitioners, inter-alia, contends that the petitioners have been falsely implicated in this case and in fact, their mother named Sunita, who is their co-accused also, had raised

the loan from the complainant but the same could not be repaid due to some financial problem and moreover, the petitioners are ready to join in the investigation as and when so required and they have never remained involved in any other criminal case of the similar nature.

Notice of motion

Mr. S.S. Pannu, learned Deputy Advocate General, Haryana, who has joined the proceedings in this case, in pursuance of the copy of this petition having been sent to the respondent-State in advance, accepts the notice. However, he seeks time to file a detailed status-report in the present matter.

Adjourned to 08.11.2021.

Meanwhile, in the event of their arrest, the petitioners shall be released on interim bail subject to their furnishing the requisite bail bonds and surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioners shall join in the investigation of this case as and when required to do so and shall also strictly abide by all the conditions as laid down under Section 438(2) Cr.P.C.

17.08.2021

**(MEENAKSHI I. MEHTA)
JUDGE"**

Thereafter, on 31.01.2022, a Co-ordinate Bench of this Court was pleased to pass the following order: -

"Learned State counsel, on the instructions from SI Satya Narain of Police Station Bawani Khera, District Bhiwani, apprises the Court that though the petitioners had joined in the investigation but they did not cooperate with the investigating agency.

Faced with this situation, learned counsel for the petitioners seeks one more opportunity for his clients to join in the investigation and to properly cooperate therein.

Adjourned to 02.05.2022.

The petitioners, through their counsel, are directed to join in the investigation within a period of 10 days positively and to do the needful.

Interim order to continue till the date fixed.

January 31, 2022

(MEENAKSHI I. MEHTA)
JUDGE"

Learned counsel for the petitioners has submitted that in pursuance of the above-said orders, the petitioners have joined the investigation.

Learned State counsel, on instructions from SI Satya Narain, has submitted that the petitioners have joined the investigation and are not required for further investigation.

Keeping in view the fact that the petitioners have joined the investigation and are not required for further investigation, the present petition for grant of anticipatory bail to the petitioners is allowed and the interim order dated 17.08.2021 is made absolute.

However, nothing stated above shall be construed as a final 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.

May 02, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No