

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

CRM-M-34769-2022

Date of Decision: 08.09.2022

Arvind Kashyap

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Manish Soni, Advocate,
for the petitioner.

Mr. Munish Sharma, A.A.G., Haryana.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 281, dated 24.07.2022, under Sections 379/420 of the IPC, registered at Police Station Badshahpur, District Guguram.

On 06.08.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner has not been named in the FIR and the FIR has been registered by the employer against his two drivers namely Vijay Pal and Krishan. It is further submitted that on the basis of disclosure statement of both the said persons, Sonu and Rajesh Kumar have been made as accused and it is on the disclosure statement of said Krishan that the present petitioner has also been made as accused. It is contended that as per the disclosure statement of said

Krishan, the present petitioner has a shop at Sheetla Mata Mandir Road, where the cars were also being sent. It is further contended that the said fact is absolutely incorrect and the petitioner does not have any such shop at Sheetla Mata Mandir Road and was in fact, working at the shop situated at Sushant Lok Courtyard Hotel, B-Block and the owner of the said shop i.e. father of the present petitioner had given a complaint on 03.05.2022 and the owners of the motor garage have a grudge against the petitioner on account of the said complaint and have thus, falsely implicated the present petitioner. It is argued that nothing is to be recovered from the present petitioner and he is not involved in any other case.

Notice of motion for 08.09.2022.

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 State Counsel is directed to verify as to whether the petitioner is owner of the said shop as stated in the disclosure statement of co-accused and also to opine as to whether there is any incriminating evidence against the petitioner.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Umrav, has

submitted that the petitioner has joined the investigation is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 06.08.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 06.08.2022 is ordered to be 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.

September 08, 2022
nitin

(VIKAS BAHL)
JUDGE

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