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

CRM-M-36473-2022

Date of decision : 29.09.2022

Rajender Rawal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Khari, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.157 dated 19.07.2022 registered under Sections 177, 420, 465 of the Indian Penal Code, 1860 at Police Station Sanoli, District Panipat.

On 18.08.2022, this Court had passed the following order:-

“CRM-29526-2022

This is an application filed for grant of leave under Rule 3-A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

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*Inter alia contends that in the present case offence under Section 465 IPC is bailable and offence under Section 177 IPC is non cognizable and the maximum sentence for the offence under Section 420 IPC is 7 years and no notice under Section 41A Cr.P.C. has been issued. It is further submitted that offence under Section 420 IPC is not made out inasmuch as it is not the case of the complainant that he has fraudulently been induced by the present petitioner and had delivered any property. It is also submitted that the petitioner is ready to submit the Home Guard Certificate to the police authorities and also is willing to fully cooperate with the police authorities. Learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court of India in **Arnesh Kumar vs. State of Bihar & Anr.** Reported as **2014(9) JT 55** in support of his argument.*

Notice of motion.

On advance notice, Mr.Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the respondent-State.

Adjourned to 29.09.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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 abovesaid order dated 18.08.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from SI Karambir

Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 18.08.2022 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 18.08.2022 is ordered to be made absolute.

However, 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 application.

29.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No