

CRM-M-40027-2022 (O&M)

CRM-M-40886-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

211+270

CRM-M-40027-2022 (O&M)

Date of decision: 21.11.2022

KAMAL GOYAL

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CRM-M-40886-2022 (O&M)

KUSUM GOYAL

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : Mr. Rajesh Gupta, Advocate  
for the petitioner(s).

Mr. Tanuj Sharma, AAG Haryana.

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AMAN CHAUDHARY. J.

This common order shall dispose of the above-mentioned two Criminal Miscellaneous petitions as both the same arise out of the same FIR.

Present petitions have been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners in FIR No.596 dated 04.09.2020, under Sections 120-B, 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Shivaji District Rohtak.

This Court vide order dated 05.09.2022 and 08.09.2022 directed that in the event of arrest, the petitioners shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer subject to the conditions

provided under Section 438(2) Cr.P.C. The petitioners were directed to join investigation and co-operate with the Investigating Agency as and when required.

Today, learned counsel appearing on behalf of the petitioners has submitted that the petitioners have joined the investigation on 19.11.2022, pursuant to the order passed by this Court on 05.09.2022 and 08.09.2022. He relies on the order passed by this Court in CRM-M-6991-2021 dated 18.01.2022, wherein anticipatory bail of the co-accused was confirmed and it was specifically observed therein that a perusal of the reply filed on behalf of the State along with Annexures appended thereto revealed that Ration Card was one of the primary documents to be attached with other documents for obtaining the subsidy. It was also mentioned that there was no allegation against the petitioner or that they misutilized the funds which was sanctioned and disbursed as subsidy for installation of pollyhouse. It was also submitted that the pollyhouse had in fact been installed and photographs with respect to that were also placed on record. He submits that similar are the facts in the present case, wherein pollyhouse was installed and photographs regarding which are Annexure P-2 and that the petitioners have not mis-utilized the subsidy.

Learned State counsel affirms the factum of petitioners having joined the investigation on 19.11.2022, however, he submits that Ration Card has still to be recovered from them. He is further unable to controvert the facts as regards anticipatory bail in case of co-accused having been made absolute by this Court vide Annexure P-9 and other facts as stated by learned counsel for the petitioners including the photographs, Annexure P-2.

Learned counsel appearing on behalf of the petitioners submits that in case the Investigating Agency requires the petitioners to appear, they shall

make themselves available without demur.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petitions filed by the petitioners are allowed and the order dated 05.09.2022 and 08.09.2022 granting interim bail to the petitioners, are made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C., in the case of non-adherence thereof, the State shall be at liberty to seek cancellation of the bail granted by this order.

The present petitions stand disposed of accordingly.

(AMAN CHAUDHARY)  
JUDGE

November 21, 2022

S.Sharma(syr)

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |