

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44738-2021 (O&M)
Date of Decision:- 11.5.2022

Ajay Walia

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arvinder Arora, Advocae for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Sunil Kumar.

Mr. Vaneet Soni, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.438, dated 11.10.2021, Police Station Naraingarh, District Ambala, under Sections 389 and 420 IPC.
2. At the time of issuance of notice of motion the following order was passed on 27.10.2021:

“Case taken up through Video Conferencing.

Learned counsel for the petitioner inter-alia contends that the petitioner is public spirited person who has taken up several issues of public interest and for this reason has been at loggerheads with the State/police; at an earlier point of time the petitioner had taken up an issue pertaining to the sitting Member of Parliament, Kurukshetra, leading to the filing of a FIR against him by the Member of Parliament for defamation in which case he sought and got anticipatory bail from this Court; in the present case the allegations of the petitioner having demanded Rs.10 lakhs for getting a FIR cancelled are absolutely vague and motivated; there is no proof of the alleged demand made by the petitioner; there is also no evidence with regard to the payment of Rs.50,000/- by the complainant to the petitioner and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

Notice of motion.

Mr. Sumit Jain, Additional Advocate General, Haryana accepts notice on behalf of respondent-State and Mr. Vaneet Soni, Advocate puts in appearance on behalf of the complainant.

Adjourned to 17.01.2022.

Till the adjourned date the petitioner's arrest is stayed. Before the adjourned date the State shall file a status report detailing therein the case of the prosecution qua the petitioner.”

3. Learned State counsel, upon instructions from ASI Sunil Kumar, has informed that upon investigation of the case, a cancellation report has been prepared and the same has been put up before the higher authorities for necessary approval.

4. Learned counsel representing the complainant has however, opposed the petition on the ground that the petitioner is a habitual offender and that there is concrete evidence to establish his involvement.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the police, upon investigation, has found the petitioner to be innocent and is proceeding to file a cancellation report, the instant petition is rendered infructuous and is disposed of as such.
7. It is however, directed that in case the prosecution does not ultimately present a cancellation report and wishes to arrest the petitioner upon any other evidence coming to surface, the petitioner shall be afforded one week's prior notice for effecting his arrest so as to enable the petitioner to have recourse afresh to protect his arrest by way of filing a petition under Section 438 Cr.P.C.

11.5.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No