

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

CRM-M-47361 of 2021

Date of Decision:-20.1.2022

Rajesh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana
assisted by SI Mukesh.

(Proceedings conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.132 dated 28.5.2021, under Sections 406, 420, 506 and 120-B IPC, registered at Police Station Bhondsi, District Gurugram, Haryana.

On 11.11.2021, this Court had passed the following order :-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.132 dated 28.05.2021 registered under Sections 406, 420, 506 and 120-B of the Indian Penal Code, 1860 at Police Station Bhondsi, District Gurugram, Haryana.

Learned counsel for the petitioner submits that the petitioner was only an attesting witness of a sale deed

and is not a beneficiary of the said sale deed in any manner. Learned counsel for the petitioner further submits that a similarly situated co-accused namely Shambir, who had also attested the said sale deed, has already been extended the benefit of anticipatory bail by a Coordinate Bench of this Court while passing order in CRM-M-27155-2021 dated 27.07.2021. Learned counsel for the petitioner further submits that the petitioner is ready to join the investigation and cooperate with the same and therefore, he be also extended the benefit of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the allegations alleged against the accused persons are serious in nature as they have defrauded an innocent person on the pretext of selling of a property. Learned counsel for the respondent-State further submits that though, the petitioner has only signed the document as a witness but, he was known to the main accused Rajiv Rathore. Learned counsel for the respondent-State concedes that the concession of anticipatory bail has already been extended to Shambir, against whom the allegations in the FIR are similar to that of the petitioner but submits that said Shambir has not joined the investigation so far.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts, which have been stated hereinbefore that the petitioner is only a signatory to the

said sale deed as a witness and is not a beneficiary of the said transaction in any manner and a similarly situated co-accused namely Shambir has already been extended the benefit of anticipatory bail by a Coordinate Bench of this Court, the petitioner has made out a case for the grant of anticipatory bail especially when learned counsel for the petitioner has undertaken before this Court that the petitioner will join the investigation and cooperate with the same.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.
- (iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 19.01.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be

at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed. ”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Mukesh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

The petitioner is directed to join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 11.11.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

January 20, 2022
Vijay Asija

(**HARSIMRAN SINGH SETHI**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No