

CRM-M-48328-2021 (O&M)

Date of decision: 03.03.2022

HARVINDER SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. Anand Singh, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana.

SANT PARKASH, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, petitioner seeks anticipatory bail under Section 438 Cr. P. C. in case FIR No. 0286 dated 25.06.2019 registered under Sections 120-B, 406 and 420 IPC at Police Station Butana, District Karnal.

On 18.11.2021, this Court has passed the following order :-

Heard through video conferencing.

“The instant petition under Section 438 Cr.P.C. has been filed seeking grant of anticipatory bail in case FIR No.0286 dated 25.06.2019, registered under Sections 120-B, 406 and 420 IPC at Police Station Butana, District Karnal. The allegation against the present petitioner is that he was the owner of the vehicle and the goods worth more than 2 lakh, which were belonging to the complainant, were either stolen or misappropriated by the petitioner.

It is contended that till date, the investigating agency has not been able to place on record that the

petitioner had purchased the truck from one Govind for a sum of Rs.18 Lakh. It is the version of petitioner that he was working as a cleaner-cum-driver of the said truck but he had left the said job at the time of the occurrence of the alleged incident and has no connection with the goods so transported by the complainant. It is further pertinent to mention that vide order dated 11.11.2020 (Annexure P-2) the interim protection was granted to the present petitioner by learned Additional Sessions Judge, Karnal but ultimately, the anticipatory bail application was dismissed.

Notice of motion for 03.03.2022.

Mr. Amreek Singh Narwal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

Meanwhile, in the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) that the petitioner 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 such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court”.

Learned State counsel on instructions from ASI Anoop Singh, submits that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the above and the petitioner having joined the investigation, the order dated 18.11.2021 passed by this Court is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of accordingly.

(SANT PARKASH)
JUDGE

03.03.2022

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Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No