

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM No. M-49762 of 2021

Date of Decision : 01.02.2022

Rakesh

....Petitioner

Versus

State of Haryana

....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vikas Chatrath, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 117 dated 29.05.2021, registered under Sections 419, 420, 467, 468, 471, 120-B IPC at Police Station Civil Lines, Bhiwani, District Bhiwani.

Learned counsel for petitioner submits that though petitioner has joined investigation in terms of order passed by this Court dated 03.12.2021 but might be required as the investigation is still under progress.

Order dated 03.12.2021 is as under:-

“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. 117 dated 29.05.2021, registered under Sections 419, 420, 467, 468, 471, 120-B IPC at Police Station Civil Lines, Bhiwani, District Bhiwani.

Learned counsel for the petitioner argues that the allegation against the petitioner is that he prepared the forged jamabandi on the basis of which the loan was got sanctioned. Learned counsel for the petitioner further argues that

petitioner is not an employee of the revenue department and hence question of preparing the forged revenue record does not arise as the same carry signatures of the Patwari concerned, who is not an accused. Learned counsel further submits that as nothing is to be recovered from the petitioner and he is ready to join the investigation and cooperate, he may kindly be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that petitioner has been named by the co-accused to be the person, from whom the revenue record was obtained, though it is conceded by learned State counsel that the said revenue record has only been signed by the Patwari concerned and as of now he has not been named as an accused but nobody has been given clean chit as of now, as the investigation is still under progress. Learned State counsel submits that the handwriting and the signatures of the petitioner are to be matched by comparing with the fake documents prepared as the allegations are that the forged revenue documents have been prepared by the petitioner in his own handwriting.

Learned counsel for the petitioner very fairly submits that once the petitioner has undertaken to join the investigation and cooperate, he will have no objection in case, during the investigation, the petitioner is asked to submit his handwriting as well as his signatures samples so as to compare with the alleged forged revenue documents.

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

Keeping in view the fact that the allegation is of forging the revenue record and concededly the petitioner was not an employee of the revenue department and nothing is to be

recovered from him as all the alleged forged revenue documents are already with the investigating agency, purpose of investigation will be achieved in case, petitioner is directed to join and cooperate, especially, in view of the fact that learned counsel for the petitioner has undertaken that in case, investigating agency demands the specimen handwriting as well as signatures of the petitioner, the same will be given by the petitioner without any objection.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

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 01.02.2022.

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 ASI Sajjan Singh states that in terms of the order of this Court reproduced before, petitioner has joined the investigation.

In view of the above, the order dated 03.12.2021 granting interim bail to the petitioner is made absolute.

However, 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 01, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No