

CRM-M-50608-2021

Date of decision-07.03.2022

Satish Sharan Sharma

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Behl, Advocate for the petitioner.

Mr. Bhupinder Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.115 dated 07.04.2021 under Section 174-A of Indian Penal Code, 1860 registered at Police Station Sector 31, Faridabad, District Faridabad, who apprehends his arrest at the hands of Police.

On 20.12.2021, this Court had passed the following order:-

“The petitioner is seeking anticipatory bail in FIR No. 115 dated 07.04.2021, under Section 174-A of the Indian Penal Code, 1860, registered at Police Station Sector 31, Faridabad, District Faridabad.

Learned counsel for the petitioner contends that the petitioner has been erroneously declared a ‘proclaimed person’ although he was not served at the address where he was residing. The petitioner along with another person had set up a dying unit in Faridabad in the year 2009. The petitioner was

thereafter selected as a government teacher in Begusarai (Bihar) in the year 2010 and had been residing in Bihar ever since. He had given up his stake in the dying unit and later the dying unit has also become non-functional. The petitioner was not served at the address where he was residing, which is evident from the perusal of the zimni orders. The proclamation is also stated to have been done at the same address where the petitioner was not residing. The petitioner has not been served at the address where he is residing and even proclamation has not been done there. The manufacturing unit had been shut down in the year 2013 and, thereafter, it did not resume its operation at any point of time.

Issue notice to the respondent.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the respondent.

List on 19.01.2022.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation.

In the event of his arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by PSI Ravi states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 20.12.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

07.03.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No