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

CRM-M-54806-2021

Date of decision : 07.03.2022

Rakesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Naresh Kumar Ganga, Advocate for
Mr. S.K. Bishnoi, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.246 dated 31.07.2021 registered under Sections 406, 506 of the Indian Penal Code, 1860 (Sections 420, 467 and 120-B of IPC have been added later on) at Police Station Civil Line Sirsa, District Sirsa.

On 12.01.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 0246 dated 31.07.2021, under Sections 406 and 506 of the Indian Penal Code, 1860 (‘IPC’ - for short) (Sections 420, 467 and 120-B of the IPC added later on), registered at

Police Station Civil Line Sirsa, District Sirsa.

Learned counsel for the petitioner contends that it is alleged that a Tata Ace vehicle was sold through co-accused Anil Kumar, who had impersonated as Sunny Kumar, the complainant and owner of the vehicle. The vehicle was allegedly sold to co-accused, namely, Bhim Singh, who did not deposit the instalments of the vehicle and further sold the same to the petitioner and co-accused Sunil. He, however, contends that the petitioner is not named in the FIR and his name has surfaced in the statement of co-accused Bhim Singh.

Issue notice to the respondent.

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

List on 15.02.2022.

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.

Sd/- (ANUPINDER SINGH GREWAL)

12.01.2022

JUDGE”

On 15.02.2022, this Court had passed the following order:-

“Learned State Counsel, on instructions from ASI Naresh Kumar, has submitted that the petitioner has joined the investigation but is not cooperating with the same.

The petitioner is again directed to join the investigation before the concerned Investigating Officer on 23.02.2022 at 11:00 am.

List this matter on 07.03.2022.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 12.01.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Ramesh Kumar, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 12.01.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 12.01.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

07.03.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**