

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-56863-2022

Decided on : 20.12.2022

Rakesh Kumar @ Raj Kumar

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Gaurav Tyagi, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No. 338 dated
20.08.2021 under Section 379-A (1) IPC registered at Police Station
Baldev Nagar, District Ambala (Haryana).

On 06.12.2022, this Court was pleased to pass the following
order:

“Inter alia contends that in the present petitioner was not named in the FIR and was implicated on the basis of disclosure statement made by co-accused Dharmender son of Mannu from whom, motorcycle and part of the gold chain has been recovered. It is further contended that said coaccused Dharmender had initially suffered a disclosure statement on 21.12.2021 implicating the present petitioner, but subsequently stated in his disclosure statement dated 24.12.2021 (Annexure P-3) that his earlier disclosure statement implicating the present petitioner was wrong and there is no material to connect the present petitioner with the alleged crime. It is also submitted that in order to show his bonafide and without

admitting his liability, the petitioner is ready to pay an amount of Rs.20,000/- to the complainant Kaushalya within a period of two weeks from today.

Notice of motion for 20.12.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to prepare a demand draft of Rs.20,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of two weeks from today, who shall further hand over the same to the said complainant. It is made clear that in case, the demand draft of Rs.20,000/- is not given to the Investigating Officer prepared in the name of the said complainant within a period of two weeks from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the abovesaid amount of Rs.20,000/- would not be construed as an admission of guilt by the petitioner. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 06.12.2022, the petitioner has joined the investigation and has given the demand draft for an amount of Rs.20,000/- in the name of the complainant and has handed over the same to the Investigating Officer.

Learned counsel for the State has reiterated the said facts and further submitted that the petitioner has joined the investigation.

Keeping in view the abovesaid facts and circumstances

moreso, the facts which have been noticed in abovesaid order dated 06.12.2022 and also the fact that the petitioner has joined the investigation, the present petition is allowed and the interim order dated 06.12.2022 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.

20.12.2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No