

REG BAHADUR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

Mr. R.S. Jhand, Addl. AG, Haryana.

HARSH BUNGER, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.13 dated 19.10.2022 (Annexure P-1), under Sections 420, 466, 467, 468 and 471 IPC, registered at Police Station State Vigilance Bureau, District Panchkula.

On 05.01.2023, the following order was passed by this Court :-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.13 dated 19.10.2022 (Annexure P-1), under Sections 420, 466, 467, 468 and 471 IPC, registered at Police Station State Vigilance Bureau, District Panchkula.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case as he has not committed any cheating or forgery in any manner with regard to the certificate in question. It is submitted that the certificate in question can be verified at any time from the issuing authority. It is further contended that the error has taken place on the part of Public Health Department, Yamuna Nagar, which provided incorrect roll number of the petitioner (0214444117), instead of Roll Number - 021444117, while getting his Certificate verified from the concerned Authority and in order to substantiate the said contention, the 'Marks Statement' and 'Provisional Certificate' of the Secondary School Examination, issued by the National Institute of Open Schooling, Government of India, New Delhi, have been annexed as Annexures P-2 and P-3, respectively, with the instant petition. It is submitted that petitioner was recruited in the year 2014 and since then he has been performing his duties; and presently, he is working in the Office of Sub Divisional Engineer, Public Health Engineering, Sub Division No.2, Ambala Cantt. Learned counsel further states that it is not forthcoming as to why the verification has been got done now, after so many years. Learned counsel for the petitioner

further submits that the petitioner is ready and willing to join the investigation.

Notice of motion.

At the asking of the Court, Mr. Amrik Narwal, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent/State.

Learned counsel for the petitioner is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.

List on 12.02.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Narender has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 05.01.2023 passed by this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioners fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioners.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

MAY 08, 2023

Himanshu

**(HARSH BUNGER)
JUDGE**