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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-673-2023****Date of Decision: 13.02.2023**

Imran Khan

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGERPresent : Mr. Jamshed Ahmed, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.0229 dated 07.05.2022, registered under Section 408 of Indian Penal Code, registered at Police Station Adarsh Nagar Faridabad, District Faridabad (Annexure P-1).

On 09.01.2023, the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.0229 dated 07.05.2022, registered under Section 408 of the Indian Penal Code, at Police Station Adarsh Nagar Faridabad, District Faridabad.

Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has falsely been implicated in the present case on the basis of statement of complainant namely, Mukesh Sharma, who claimed himself to be the owner of alleged vehicle No.HR-38AC-2252. He further submits that the complainant pressurized the petitioner (who is the driver of said vehicle) to load the vehicle with coal, which is illegal and when he refused to do so, the present case has been registered against him on 07.05.2022 and that too after the un-explained delay of 10 days, whereas, the alleged occurrence is of 27.04.2022. Learned counsel also submits that the allegations levelled in the FIR are totally false and nothing is to be recovered from the petitioner. It is submitted that the petitioner had applied for anticipatory bail before the learned Additional

Sessions Judge, Faridabad, which was granted to him vide order dated 23.05.2022 and was directed to join investigation but inadvertently, the counsel for the petitioner before the Court below did not inform him and hence, his bail application was dismissed on 31.05.2022. Learned counsel further submits that the petitioner is not involved in any other case except the present one i.e. FIR No.0229 dated 07.05.2022. Learned counsel also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency.

Notice of motion.

On the asking of the Court, Mr. Amrik Narwal, Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for interim anticipatory bail on the ground of seriousness of offence.

Keeping in view the fact that no recovery is to be effected from the petitioner and he was once granted interim bail by the learned Additional Sessions Judge, Faridabad vide order dated 23.05.2022, which was later on dismissed vide order dated 31.05.2022 due to some miscommunication between the petitioner and his counsel; this Court is inclined to grant interim bail to the petitioner.

List on 13.02.2023.

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.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day."

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 Taleem has not disputed the aforesaid fact of joining the 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 09.01.2023 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 petitioner fails 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 petitioner.

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.

13.02.2023

Himani

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No