

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-1021-2023
Date of decision: 18.04.2023

Vishnu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE AMAN CHAUDHARY

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Neeraj Goel, Advocate for the complainant.

AMAN CHAUDHARY, J. (Oral)

1. Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.177 dated 17.10.2022, under Sections 120-B, 415, 419, 420, 467, 468, 471 & 474 of the Indian Penal Code, 1860 registered at Police Station Satnali, District Mahendergarh, Haryana.

2. On 10.01.2023, this Court had passed the following order:-

“ The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No. 177 dated 17.10.2022, registered under Sections 120-B, 415, 419, 420, 467, 468, 471 and 474 of the Indian Penal Code at Police Station Satnali, District Mahendergarh.

Learned counsel for the petitioner contends he is neither a partner alongwith his bother co-accused Bal Mukand in the business of property dealing nor is the beneficiary in any manner alongwith the agreement to sell nor there is any allegation of forgery of the affidavit qua the petitioner He has been ropped in being the brother of co-accused Bal Mukand who is the partner in the business of property dealing alongwith Hari Ram Sharma, in whose name the second agreement to sell has been executed. He further submits that the co-accused namely Om Parkash and Manoj have been

granted the concession of regular bail. It is further submitted that the allegation against the petitioner is only with regard to having threatened the complainant's brother and not of any forgery as is against another co-accused and as such, his case is distinguishable. Still further, it is his submission that the FIR has not been lodged under Section 506 IPC.

Notice of motion for 09.02.2023.

At the asking of the Court, Mr. Tanuj Sharma, AAG Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join investigation on or before 13.01.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

3. Learned counsel for the petitioner submits that in pursuance of order dated 10.01.2023, of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

4. Learned State counsel affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

5. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 10.01.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

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6. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

18.04.2023
Harish Kumar

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