

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

207 -A

CRM-M-1602-2023

Date of decision: 18.04.2023

Mukesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE AMAN CHAUDHARY

Present: Mr. Mukesh Yadav, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Krishan Sharma, 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 12.01.2023, 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 contends that the agreement to sell entered into between the petitioner and complainant on 12.12.2019, as per which he had paid Rs. 21 lacs through RTGS to the complainant stands cancelled and the said amount has been adjusted in the second agreement to sell for which suit for repudiation of contract is pending. He submits

that the alleged forged affidavit which was to be relied in the suit for specific performance has not so been done as the suit itself has been withdrawn. He submits that the petitioner is ready and willing to joint investigation as and when required by the investigating agency.

Notice of motion.

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.

Adjourned to 21.02.2023”

3. Learned counsel for the petitioner submits that in pursuance of order dated 12.01.2023, 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 12.01.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

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