

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

207

CRM-M-2035-2023 (O&M)

Date of decision: 20.03.2023

NEPAL @ NEPAL SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : Mr. Parshant Singh Chauhan, Advocate  
for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

Mr. Sumit Kumar, Advocate for  
Mr. Kartik, Advocate for the complainant.

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AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.022 dated 21.01.2022, under Sections 420 and 406 of the Indian Penal Code, 1860 (Section 34 IPC added later on) registered at Police Station Dharuhera, District Rewari, Haryana.

On 14.02.2023, 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.022 dated 21.01.2022, registered under Sections 420 and 406 IPC (Section 34 IPC added later on) at Police Station Dharuhera, District Rewari, Haryana.

Learned counsel contends that the allegations in the case are against Chetan, Narender, Kavita and Nihal and not against the petitioner. The amount that was transferred to the account of the petitioner by co-accused Chetan, has been undertaken to be returned by the said co-accused to the complainant for which two cheques have been issued. All afore-mentioned co-accused have been granted concession of interim anticipatory bail by this Court or the learned Sessions Judge, Rewari. The bone of contention is that the complainant had sold a part of

ancestral land to co-accused Kavita, regarding which the father of the complainant had filed a civil suit against him as also co-accused Kavita. He further submits that the petitioner is ready and willing to join 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 and Mr. Karik, Advocate appears on behalf of complainant and files his power of attorney. Same is taken on record. He submits on instructions from the complainant that the petitioner had no concern with the alleged transaction regarding which an affidavit dated 13.02.2023 has also been sworn in, has been produced and is taken on record as Mark-A and he has no objection in case anticipatory bail is granted to the petitioner.

Meanwhile, the petitioner is directed to join the investigation on or before 21.02.2023. 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 20.03.2023.”

Learned counsel for the petitioner submits that in pursuance of order dated 14.02.2023, 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.

Learned State counsel on instructions from SI Manoj Kumar 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.

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 14.02.2023 granting interim bail to him, is hereby made absolute,

subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation 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

March 20, 2023

M.Kamra

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |