

206 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3602-2023
Date of Decision: 27.03.2023

Parit Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Arjun Dhingra, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.6 dated 13.10.2022 (Annexure P-1) under Sections 120-B, 201, 420, 467, 468 & 471 of the Indian Penal Code and Sections 4, 20, 21 and 25 of the Indian Telegraph Act, registered at Police Station Cyber Crime, Sonapat.

On 23.01.2023, 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.06 dated 13.10.2022, registered under Sections 420, 120-B, 201, 467, 468, 471 of the Indian Penal Code and Sections 4, 20, 21 and 25 of the Indian Telegraph Act, 1885, at Police Station Cyber Crime, Sonapat (Annexure P-1).

Learned counsel for the petitioner submits that the petitioner is a young boy of 23 years and has falsely been implicated in the case. It is submitted that the petitioner is not

named in the FIR, however, his name has been surfaced only during the course of investigation. Learned counsel further submitted that the petitioner has not committed any offence as has been alleged in the FIR, in question. Learned counsel also submitted that the only allegation against the petitioner is that he was investor of main accused Raj Kumar Pandey and he had transferred a sum of Rs.49,000/- online in his account, whereas, he was neither the investor nor an employee of M/s Raj Kumar Pandey telecom. It is submitted that the petitioner along with Gaurav Pundhir and Arpit, were running the business of property dealer, therefore, the petitioner along with his partner executed agreement to sell with wife of co-accused Anurag, on 20.10.2022 and only on asking of said co-accused Anurag Gupta, the petitioner had transferred Rs.49,000/- to co-accused Raj Kumar Pandey and apart from this, he has nothing to do with the case and have no relation with the accused and his company. It is submitted that though nothing is to be recovered from the petitioner, yet the bail application moved by him under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Additional Sessions Judge, Sonapat, vide order dated 12.01.2023. Learned counsel also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

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.

List on 09.03.2023.

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, petitioner has joined the investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Omveer, has not disputed the aforesaid fact of joining the investigation by 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, order dated 23.01.2023, 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) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

27.03.2023

Apurva

(HARSH BUNGER)
JUDGE