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

CRM-M-5894-2023
Date of Decision: 23.03.2023

Naresh Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Tulika Bose, Advocate for
Mr. Gourav Verma, Advocate for
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 to the petitioner in case FIR No.395 dated 01.06.2022 (Annexure P-1), registered under Sections 406, 420 and 506 read with Section 34 of the Indian Penal Code, at Police Station Kundli, District Sonipat.

On 06.02.2023 the following order was passed by this Court :-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.395 dated 01.06.2022 (Annexure P-1), under Sections 406, 420 and 506 IPC read with Section 34 IPC, registered at Police Station Kundli, District Sonipat.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the

basis of statement complainant, namely Rohtash s/o Chandsen. It is further submitted that the petitioner is neither the owner of land in question nor executed any agreement with the complainant or extended any threats to him. Learned counsel further submits that the petitioner lives at Baghpat, Uttar Pradesh and he was not present at the spot on the alleged date of occurrence, i.e. 23.02.2021, hence no question arises with regard to signing of any agreement between the petitioner and complainant. It is further stated that the petitioner is being dragged in the present case as he is the son of coaccused, namely Richhpal. It is contended that said Richhpal has already been granted the concession of anticipatory bail by this Court vide order dated 21.12.2022, passed in CRM-M-51724-2022 (Annexure P-3), titled as "Richhpal Vs. State of Haryana". Learned counsel submits that the matter is primarily civil in nature. It is further submitted that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

At the asking of Court, Mr. Amrik Narwal, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent/State. He prays for an accommodation to seek instructions in the matter.

List on 23.03.2023.

In the meanwhile, in the event of arrest of 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.

Learned counsel for the petitioner is directed to supply complete copy of paper book to learned State counsel during the 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 Anil Kumar has not disputed the aforesaid fact of joining of 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 06.02.2023 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) 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.

23.03.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No