

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

211

CRM-M-12626-2023

Date of decision: 12.09.2023

Sonu

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Shweta Bawa, Advocate for
Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 15.03.2023, this Court had passed the following order:-

“This is a petition under Section 438 Cr.P.C., for grant of prearrest bail to the petitioner in case FIR No.211, dated 23.02.2022, under Sections 379 and 420 IPC, registered at Police Station Sadar Hisar, District Hisar (Haryana).

Learned counsel for the petitioner contends that the petitioner has been roped in the instant FIR merely on the basis of disclosure statement of co-accused Jitender and Sunny, whereas the petitioner has no role whatsoever in the commissioning of alleged offence, as mentioned in the instant FIR. He also asserts that even as per the version narrated in the FIR by the complainant, the petitioner was standing outside the ATM and it is Jitender and Sunny, who manipulated and masterminded the commissioning of alleged offence, if any at all.

Notice of motion.

On the asking of the Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice on behalf of the respondent-State, who states that the petitioner is equally involved in the commissioning of the offence

and is a beneficiary, out of the total amount, so withdrawn from the ATM i.e., Rs. 80,000/- and his custodial interrogation is required for recovery of the amount of his share and the petitioner is also involved in two other cases of similar nature, meaning thereby, he is a habitual offender and does not deserve the concession of anticipatory bail.

Considering the aforesaid facts and circumstances and the fact that the major part of the amount has already been recovered and it is only Rs.18000/-, which is to be recovered from the petitioner, who undertakes to effect the recovery of the said amount, in case he is allowed to join the investigation and also looking at the fact that the trial is triable by Magistrate, the petitioner is directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on his joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 10.07.2023. ”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but 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.

3. Learned State counsel on instructions from ASI Rohtash affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for any custodial interrogation.

4. 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 15.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. 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.

12.09.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No