

2023:PHHC:107485

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

203

CRM-M-13195-2022 (O&M)
Date of decision: 18.08.2023

Pawan Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Abhishek Chha, Advocate for the petitioner

Mr. B.S. Virk, Sr. DAG Haryana

Ms. Sukhdeep Kaur, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 25.01.2023, 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. 521 dated 27.11.2021, registered under Sections 406 and 420 of the Indian Penal Code at Police Station Taraori, District Karnal.

Learned counsel for the petitioner submits that the issue involves is of civil nature giving the color of criminal proceedings by lodging of the FIR. The petitioner has already paid the amount to the complainant for the goods that were received, the balance payment has not been made only on account of the fact that the goods were not received. The petitioner is already sent a legal notice for recovery of an amount of Rs.3,65,250/- paid to the firm. He submits that the petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Adjourned to 15.03.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 31.01.2023. 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.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency as also furnished his current address, where he is residing on rental basis as well as his mobile number. 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 SI Karambir 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 further 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 25.01.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

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. He will not change his address or mobile number without the prior intimation to the investigating officer.

(AMAN CHAUDHARY)
JUDGE

August 18, 2023
M.Kamra

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