

2023:PHHC:064212

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

206

CRM-M-14448-2023 (O&M)
Date of decision: 04.05.2023

ASHOK KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sandeep Siwach, Advocate
for the petitioner

Mr. Tanuj Sharma, AAG Haryana.

AMAN CHAUDHARY. J.

1. On 22.03.2023, 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. 323 dated 30.09.2020, registered under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 (Section 120-B IPC added later on) at Police Station Rai, District Sonapat.

Learned counsel submits that the petitioner is 68 years old street fruit vendor. It is contended that the co-accused Arvind Kumar had taken the passbook of the petitioner on the pretext of some problems in the Income Tax Department and had got credited PPF amount in his account. Similarly he had used the passbook of the son of the petitioner. The amounts received by the petitioner as well as his son have been returned to the abovesaid co-accused. Mukesh Kumarco-accused as well as Bharat Bhushan, son of the petitioner, have been granted the anticipatory bail vide Annexures P-4 and P-2 respectively. He submits that the petitioner is ready and willing to join the 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.

Meanwhile, the petitioner is directed to join the investigation on or before 29.03.2023. 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 04.05.2023.”

2. Learned counsel for the petitioner submits that in pursuance of the afore-mentioned order, the petitioner 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 Naresh 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.

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 22.03.2023 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 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

May 04, 2023
M.Kamra

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