

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-16217-2022
Date of decision: 15.02.2023

PREM CHAND

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rakesh Nehra, Sr. Advocate with
Mr. Munish Mittal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No. 237 dated 10.06.2021 under Sections 406, 420, 467, 468 and 471 IPC registered at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel for the petitioner submits that in pursuance of order dated 05.05.2022 of this Court, the petitioner has joined investigation twice over. Still further that the petitioner was neither named in the FIR nor any overt act has been attributed, however, it is the co-accused namely Namandeep Singh, who in pursuance of having secured the tender had furnished a Bank guarantee, which was found to be forged. He draws the attention of this Court to the agreement, Annexure P-2, dated 02.04.2021, between the petitioner and co-accused Namandeep Singh as per which the petitioner, who was owner of 18 Marlas of land had agreed that in the eventuality of he giving him an amount of

Rs.2,00,000/-+Bank expenses, the petitioner would give his land for the purpose of securing the bank guarantee. However, neither did the co-accused Namandeep Singh give him any amount, as such, there was no reason with the petitioner to go ahead with the terms of the agreement. He is neither the beneficiary nor has any concern with the tender of the co-accused Namandeep Singh, which also stands canceled and there has been no transaction of any amount between co-accused Namandeep Singh and FCI as well.

Learned State counsel 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.

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 05.05.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

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

February 15, 2023
Mehak

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>