

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

208

CRM-M-16571-2023

Date of decision: 13.09.2023

Akash Saxena

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Vikrant Rana, Advocate for the petitioner.

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

AMAN CHAUDHARY, J.

1. On 25.04.2023 and 26.07.2023, this Court had passed the following orders:-

“Heard.

As per status report, the name of the petitioner surfaces in the disclosure statement of accused Kapil, who disclosed that he had purchased the ultrasound machine from the petitioner against the consideration of Rs.60,000/-. Out of the amount of consideration, some amount was paid by UPI mode using Phonepe on 23.11.2022.

On the asking of the Court, learned State counsel submits that the machine was not having a number so origin from where machine was originally sold could not be traced.

Since there is no other evidence except transfer of Rs.13,000/- to two different accounts and recovery is already effected so petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Adjourned to 26.07.2023.”

“Learned counsel submits that in compliance of order dated 25.04.2023, the petitioner has joined investigation.

Learned State counsel though affirms this fact, however, submits that the petitioner has not co-operated as details with regard to serial number and other details of the ultrasound machine sold to the co-accused has not been disclosed by him.

Faced with this, learned counsel for the petitioner prays for one more opportunity to join the investigation and submits that necessary details as required by the Investigating Officer shall be given.

The petitioner is directed to join the investigation on 31.07.2023 at 11:00 A.M.

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 13.09.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned orders, 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 PSI Pawan 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 orders dated 25.04.2023 and 26.07.2023 granting interim bail to him, are 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.

(AMAN CHAUDHARY)
JUDGE

13.09.2023
ashok

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