

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-17176-2023
Date of decision: 17.08.2023

Omprakash Sharma

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Suvir Sidhu, Advocate for the petitioner.

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

AMAN CHAUDHARY, J.

1. On 12.04.2023, 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.23 dated 16.03.2023, registered under Sections 306 and 34 IPC at Police Station GRP Hisar, District GRP Ambala Cantt.

Learned counsel contends that the petitioner is the State Head of the company namely Light Micro Finance registered with the RBI having a turnover of Rs.1,700/- crores along with 125 offices across India and a customer base of 3 lac women, who are financed by the company for the purpose of establishing their entrepreneurship. The deceased admittedly was working as a Field Officer of the company, whose role was to collect the instalments from the loanees. It is his categorical case that there were some amounts that he had received from the customers, however, the same were not deposited with the company. A complaint dated 21.02.2023 was submitted to the police against the deceased with regard to this. Prior thereto, there were disciplinary proceedings initiated against him vide Annexure P-3 and in response thereto, the deceased had also tendered apology vide Annexure P-4. Ingredients of Section 306 IPC are not attracted. The petitioner is stated to have never ever met the deceased or given any directions to him. He further submits that the petitioner

is ready and willing to join 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 19.04.2023. 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 22.05.2023.”

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. 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 Harpal Singh 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 12.04.2023 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.

17.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No