

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

204

CRM-M-17366-2023 (O&M)

Date of decision: 13.10.2023

Ankit Sharma

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Alok Mittal, Advocate for the petitioner.

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

AMAN CHAUDHARY, J.

1. On 13.09.2023, 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 FIR No.1198 dated 26.12.2022, registered under Sections 406, 420, 467, 468, 471 and 120-B IPC, at Police Station HTM Hisar, District Hisar.

Learned counsel for the petitioner submits that the matter stands compromised before the Mediation and Conciliation Center vide settlement/compromise deed dated 10.08.2023 and the terms thereof have been reduced in writing, pursuant to which a demand draft amounting to Rs.2 lakh as also an amount of Rs.6 lakh in the shape of two demand drafts (Rs.3 lakh each) have been handed over to the learned counsel for the complainant by the learned counsel for the petitioner as also by the learned counsel appearing for the Company. Photocopies of the same are taken on record as Mark A and B. Learned counsel submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency and will cooperate.

Learned counsel for the complainant has no objection to grant of interim/anticipatory bail to the petitioner.

Learned counsel also state that petition/s for quashing of FIR based on compromise is also in process of being filed by the petitioner as also by two co-accused Vashu Dev Garg and Dhirinder Singh, who are Directors of the company.

Adjourned to 28.09.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 21.09.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as 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. 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 Krishan Kumar 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 order dated 13.09.2023 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.

(AMAN CHAUDHARY)
JUDGE

13.10.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No