

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Sr. No.215(1)

CRM-M No. 19013 of 2022

Date of decision : 19.05.2023

Madan Lal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Sumit S. Bairagi, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.
Mr. Jashanpreet Singh, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

(1) The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 117 dated 22.04.2022 registered under Sections 406, 420, 506 and 34 IPC and Sections 10 and 24 of the Immigration Act at Police Station City Pehowa, District Kurukshetra.

(2) On 06.05.2022, this Court had passed the following order : -

“The instant petition has been filed under Section 438 CrPC for grant of anticipatory bail to the petitioner in case FIR No.117 dated 22.04.2022 under Sections 406, 420, 506 and 34 of the IPC and Section 10 and 24 of the Immigration Act registered at Police Station City Pehowa, District Kurukshetra.

Learned counsel for the petitioner inter alia submits that as per FIR, the complainant is stated to have handed over the money to co-accused Tapan Kumar. It is

submitted that the allegations merely show that the petitioner accompanied Tapan Kumar. Eventually, when the son of the complainant was on his way to Italy, he died. The said co-accused has already returned a sum of Rs.10,00,000/- to the daughter-in-law of the complainant. He contends that the petitioner has nothing to do in the said transaction and no money was handed over to him. It is argued that the brother of the petitioner is in fact helping the complainant in tracing his son. He further submits that that the petitioner has no criminal antecedents and is ready and willing to join investigation.

Notice of motion for 18.08.2022.

Mr. Ashish Yadav, Additional AG Haryana appears and accepts notice on behalf of respondent-State.

In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer /investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

(3) Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

(4) After considering the submissions made on behalf of the petitioner as have been recorded in the afore-quoted order and the statement made on behalf of the State, subject to the petitioner abiding by the conditions provided under Section 438 (2) Cr.P.C., the order of this Court

dated 06.05.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

19.05.2023
sunil yadav

(DEEPAK SIBAL)
JUDGE

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