

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

CRM-M-19429-2022 (O&M)
Date of Decision: 23.01.2023

RAJBIR BHAGWAN SHARMA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Krishan Sharma, Advocate
 for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioner in case FIR No.28 dated 18.01.2021 registered under Sections 406, 460, 467, 468, 471 IPC (subsequently added Section 120-B also) at Police Station Sector 14, Gurugram, District Gurugram (Haryana).

On 09.05.2022, the following order was passed by the Co-ordinate Bench of this Court :-

“Learned counsel for the petitioner has submitted that the allegations against the petitioner were that he had introduced the complainant with the main accused namely Puneet Sharma and no amount was transferred in the name of the petitioner and, therefore, has prayed for grant of anticipatory bail.

Notice of motion.

Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana accepts notice on behalf of State of Haryana and prays for some time to file an affidavit.

Adjourned to 10.11.2022.

In the meantime, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction,

subject to the conditions as provided under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner submits that his co-accused namely Harish Aggarwal, who has already been granted concession of regular bail by the Co-ordinate Bench of this Court vide order dated 30.03.2022 passed in CRM-M-9776-2022. He further submits that pursuant to the order 09.05.2022, the petitioner has joined the investigation and is no more required for further investigation.

Learned State counsel on instructions from ASI Ashok has not disputed the aforesaid fact of joining the investigation by the petitioner and also the factum of grant of regular bail to Harish Aggarwal. He submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage and co-accused Harish Aggarwal has already been granted regular bail; accordingly the present petition is allowed and the ad-interim order dated 09.05.2022 passed by this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions made above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

23.01.2023
Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No