

**2023:PHHC:091126**

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

214

CRM-M-20337-2023 (O&M)  
Date of decision: 19.07.2023

Raj Kumar

....Petitioner

**Versus**

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Naresh Kumar Bansal and Mr. Amit Bansal, Advocates  
for the petitioner

Mr. Vikrant Pamboo, Sr. DAG Haryana

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**AMAN CHAUDHARY. J.**

1. On 11.05.2023, 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. 53 dated 16.03.2023, registered under Section 420 of the Indian Penal Code, 1860 (Section 506 IPC added later on) at Police Station Farakpur, District Yamuna Nagar.

Learned counsel inter alia contends that the petitioner is a trader in Zurik scrap for which he placed an order to one Ruhi Metal in Gujrat who further procured the same by placing the orders with a company in Canada. He relies on the invoice, Annexure P-3, E-way Bill, Annexure P-4 and bill issued to the complainant, Annexure P-5 which depict the quality of the material to be as per ISRI. He has no role to play in so far as the quality of the material is concerned. He has been dealing with many concerns, the invoices of which he has produced. There was no written agreement between the petitioner and the complainant as they were known to each other. The delivery of the container containing the items came directly from Ahmedabad to the complainant via Ruhi Metal and the petitioner could not have tampered with the same. However, the material which was stated by the complainant-respondent No. 2 to carry less in weight when received, thus, without delay he was compensated by reducing an amount of Rs.1,28,500/-. There is no foul play and is at best a civil dispute. The petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Adjourned to 19.07.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 18.05.2023. 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 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 11.05.2023 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

July 19, 2023  
M.Kamra

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