

201-2

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

**CRM-M-26420-2022
Date of Decision: 02.05.2023**

Mukh Raj Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Kartar Singh, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Petitioner (Mukh Raj Singh) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.443 dated 05.12.2021 (Annexure P-1), under Sections 409 and 420 of the Indian Penal Code, registered at Police Station Sadar Fatehabad, District Fatehabad.

2. On 12.07.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Learned counsel for the petitioner has submitted that in the present case the petitioner was serving as a seller in a Cooperative Society and the allegation against him was with regard to embezzlement of Rs. 25,00,000/- due to shortage of stock. He further submitted that the petitioner has been falsely implicated in the present case and even otherwise also he has

already deposited an amount of Rs. 18,00,000/- out of total Rs. 25,00,000/- and he on instructions submitted that the remaining amount of Rs. 7,00,000/- will be deposited by him within a period of 7 days from today.

Notice of motion.

Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana, accepts notice on behalf of the State of Haryana and prays for some time to seek instructions.

Adjourned to 19.10.2022.

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.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.
4. Learned State counsel, on instructions from Assistant Sub Inspector Mahender Singh, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.
5. Heard learned counsel for the parties.
6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 12.07.2022, passed by a co-ordinate Bench of this Court, is made absolute.
7. 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) of the Code of Criminal Procedure.
8. It is made clear that if the petitioner fails to comply with any of the directions issued 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.

9. Nothing expressed hereinabove 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 bail at this stage.

10. Present petition is accordingly disposed of.

02.05.2023

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No