

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-28944-2023 (O&M)
Date of decision: 18.08.2023

Jitender Kumar Mittal

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gautam Dutt, Advocate for the petitioner

Mr. B.S. Virk, Sr. DAG Haryana

Mr. P.S. Hundal, Sr. Advocate with
Mr. G.S. Hundal, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 02.06.2023, this Court had passed the following order:-

“This petition has been filed under Section 438 of Cr.P.C for grant of the concession of anticipatory bail to the petitioner in FIR No.242 dated 09.02.2023, registered under Sections 409, 380, 34 and 120-B of IPC At Police Station Karnal Civil Lines, Karnal.

Learned counsel for the petitioner contends that the FIR in question is merely a device to absolve himself on the part of the complainant with the responsibility before the NCLT involving the whole family of the petitioner in the instant FIR. As far as the allegations of entrustment of wheat to the petitioner is concerned that is to the company and not to the petitioner in his individual capacity and on that account, he drew attention of this Court to the balance-sheet dated 31.03.2020 (Annexure P-5) which has been audited by the chartered accountant signed by the other members of the company namely Yogesh Gupta and Vijay Laxmi Gupta who are also partner with the complainant.

Notice of motion for 14.08.2023.

On the asking of the Court, Mr. G.S. Dhillon, A.A.G. Haryana, who is present in Court, accepts notice on behalf of the State and seeks time to get instructions in the matter.

In the meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of his arrest, the petitioner shall be admitted to anticipatory bail on furnishing personal and surety bonds to the

satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

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 ASI Bahadur Singh 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 02.06.2023 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

August 18, 2023
M.Kamra

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