

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+211

CRM-M-29874 of 2023 (O&M)

Date of Decision:05.07.2023

Aakash

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A. S. Jattana, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana

Mr. Vivek Singla, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.0188 dated 22.05.2023, under Sections 406, 420, 506 IPC, registered at Police Station Bilaspur, District Yamuna Nagar.

2. As per the allegations, the complainant had lodged the FIR by alleging that one of the co-accused namely Rohit alongwith the present petitioner had cheated upon the complainant and took a total amount of Rs.42,00,000/- by hypnotising him and being Tantriks they would dig the earth from where a treasure was to be taken out.

3. At this stage, learned DAG, Haryana has stated that in pursuance

of the order passed by this Court dated 07.06.2023, the petitioner has already joined investigation and he has fully cooperated with the investigation process and he is not required for custodial interrogation.

4. However, learned counsel appearing on behalf of the complainant has submitted that it is a case of cheating and therefore has opposed the grant of anticipatory bail. He also brought to the notice of this Court the order dated 07.06.2023 whereby a condition was imposed that the concession of bail was granted so that only for the purpose that the main accused Rohit could be arrested, and in case, the main accused Rohit is not arrested, the present petition shall be considered to be dismissed.

5. After hearing learned counsel for the parties, this Court is of the view that the aforesaid condition cannot be enforced against the petitioner in view of the fact that the prayer of the petitioner in the present case is for the grant of anticipatory bail and as per learned State counsel, the petitioner has already joined investigation and he is not required for custodial interrogation.

6. In view of the above, the present petition is allowed and the order dated 07.06.2023 whereby the petitioner was granted interim bail stands confirmed.

7. It is made clear that the petitioner will keep on joining investigation as and when required by the police.

(JASGURPREET SINGH PURI)
JUDGE

July 05, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No