

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30327-2023

Date of Decision: 12.09.2023

Shish Pal

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Rajinder Goel, Advocate, for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

Mr. Sushil Bhardwaj, Advocate, for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 CrPC, petitioner prays for grant of anticipatory bail in case FIR No.99 dated 07.03.2023 registered at Police Station Kurukshetra University, Kurukshetra, under Sections 406, 420, 468, 471, 408 & 120B IPC.

2. Vide order dated 25.07.2023, after receiving the first status report by way of affidavit dated 15.07.2023 of Deputy Superintendent of Police, CAW, Kurukshetra, the petitioner was directed to join the investigation and cooperate in the same. In the meantime, he was allowed interim anticipatory bail. On the next date of hearing i.e., 04.09.2023, it was informed by Id. State counsel that though petitioner had joined the investigation, but he was not cooperating in the same, as he was not providing any information regarding preparing the stocks record and for embezzling the amount.

3. In view of the aforesaid stand of the respondent/State, the prosecution was directed to file detailed questions, which it wanted to put to the petitioner for the purpose of interrogation. Today, Status report by way of affidavit of Shri Subhash Chand, Deputy Superintendent of Police, HQ Kurukshetra has been filed today on behalf of the respondent/State in compliance of the order dated 04.09.2023.

4. The Status report filed today narrates the questions which were put to the petitioner. Ld. State counsel is unable to disclose as to which question put to the petitioner was answered evasively. Ld. State counsel is at loss of words to explain as to how the petitioner has not co-operated in the investigation as all the questions mentioned in the report were duly replied by him. Even Ld. Counsel for the complainant could not satisfy the court in this regard. In case petitioner has not replied any question in any particular way as the prosecution wanted, it cannot be stated that he has not co-operated.

5. Having regard to the above facts and circumstances, order dated 25.07.2023, whereby petitioner was granted interim anticipatory bail, is hereby made absolute.

6. However, it is made clear that the petitioner shall abide by the conditions as envisaged under Section 438(2) CrPC and he shall continue to join investigation, if and so required by the investigating officer.

Disposed of.

(DEEPAK GUPTA)
JUDGE

12.09.2023

Vivek

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No