

209-1

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

CRM-M-30466-2023 (O&M)

Date of decision : 20.09.2023

Anil Kumar Kaushik

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bipan Ghai, Senior Advocate,
with Mr. Nikhil Ghai, Advocate,
and Mr. Deepanshu Mehta, Advocate,
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

Mr. Darshan Gulati, Advocate,
and Mr. Jamshed Ahmed, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') has been filed for grant of pre-arrest bail to the petitioner in No.088 dated 16.05.2023, under Sections 384, 420, 457, 471, 34 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Nagina, District Nuh.

2. Allegations in brief are that petitioner along with other co-accused, posing themselves as officials of the Enforcement Directorate, raided the house of complainant and extorted an amount of Rs.2,50,000/- from him.

3. This Court, on 20.07.2023, granted interim bail to the petitioner and relevant portion of the same is recapitulated as under:-

“Contends that present FIR has been registered as a counter-blast to the complaint dated 23.03.2023 (P-2). Also contends that petitioner visited the office of Enforcement Directorate and his Aadhar Card was pasted on the backside of the complaint by the official from Enforcement Directorate as a proof thereof.

Learned State counsel seeks time to verify the above factual position.

Posted on 20.09.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Learned Senior counsel submits that in pursuance of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. *Per contra*, learned State Counsel, on instructions, submits that although petitioner has joined the investigation, but his custodial interrogation is required as the amount of Rs.2,50,000/- is yet to be recovered.

6. Similarly, learned counsel for the complainant vehemently opposed the prayer on the premise that petitioner has extorted an amount of Rs.2,50,000/-.

7. Heard both sides and perused the paper-book.
8. The factum of joining investigation by the petitioner in pursuance of the order passed by this Court is not disputed by learned State counsel as well as learned counsel for the complainant. So far as the point of recovery of Rs.2,50,000/- is concerned, there is no material to indicate that complainant was having cash amount of Rs.2,50,000/- or that any money was paid to the petitioner.
9. Be that as it may, all these allegations are to be proved beyond reasonable doubt by the prosecution before learned trial Court, after leading evidence.
10. In view of above, interim order dated 20.07.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.
11. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation in the matter.
12. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
13. Disposed off accordingly.

20.09.2023

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No