

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

204

CRM-M-30588-2023

Date of decision: 21.09.2023

Abdul Salam Sheikh @ Rabani

..Petitioner

Versus

State of Haryana and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Vivek Sharma Vashisht, Advocate for  
Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

Mr. Sandeep Simpy, Advocate, for respondent No.2.

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**AMAN CHAUDHARY, J.**

1. On 02.08.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No. 189 dated 14.05.2023, registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Sadar Jind, District Jind.

Learned counsel for the petitioner submits that it is a case of civil nature given criminal texture. There was no contract between the petitioner and the complainant. From the FIR itself, it reveals that the complainant had paid the amount to Shree Uma Enterprises/ Rohit Mittal for purchasing cotton seeds from the petitioner. Thus, there is no privity of contract between him and the complainant. The petitioner is not involved in any other case. He is ready and willing to join the investigation as and when required by the investigating agency.

Adjourned to 21.09.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 10.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

2. Learned counsel submits that in pursuance of the aforementioned 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 SI Yashbir 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 any 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 02.08.2023 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

21.09.2023  
Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No