

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

CRM-M No.30584 of 2023

Date of Decision: 25.09.2023

Bhupender

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Tejpal Singh Dhull, Advocate
for the petitioner.

Mr. Gaurav Bansal, D.A.G., Haryana.

PANKAJ JAIN, J. (ORAL)

1. While issuing notice of motion on 15.06.2023 the following order was passed:-

“The instant petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail in case bearing FIR No. 0041 dated 16.02.2023 registered under Sections 120-B, 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860 at Police Station Sadar Jhajjar, District Jhajjar. Learned counsel appearing on behalf of the petitioner inter alia contends that the allegations in the present case are with respect to a forged mark sheet of Krishna (sister of Chander) mother of the petitioner who was selected as a Sarpanch. It was alleged that the mark sheet showing the mother of the petitioner as middle class pass was a forged document that had been submitted solely for enabling the mother to contest election to the post of Sarpanch. He contends that wife of the petitioner is a member of Sashastra Seema Surksha Bal and that the petitioner is residing with her. It is further contended that the petitioner had no role in preparation and/or forgery of the abovesaid mark sheet and/or submission of the nomination forms. He has no criminal

antecedents and that the case is based on documentary evidence and his custodial interrogation is not required. Notice of motion.

Pursuant to the supply of an advance copy, Mr. Pankaj Mulwani, DAG, Haryana, appears and accepts notice on behalf of respondent-State.

List on 25.09.2023 for further consideration.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C”.

2. Today, Mr. Gaurav Bansal, D.A.G., Haryana, on instructions from Rajesh Kumar ASI has stated that pursuant to the order dated 15.06.2023 the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 15.06.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

5. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

6. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

7. Petition stands disposed off.

8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

9. Pending application(s), if any, shall also stand disposed of.

(PANKAJ JAIN)
JUDGE

25.09.2023
Deepak Patwal

Whether speaking/reasoned:
Whether reportable:

Yes/No