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**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

CRM-M-32589-2022

Date of Decision: 02.02.2023

MOHIT

....Petitioners

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Vikas Gulia, Advocate
for the petitioners.

Mr. Nawal, DAG Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.PC. is for grant of anticipatory bail in case FIR No.317 dated 01.06.2022 registered under Sections 380, 454 of Indian Penal code, 1860 registered at Police Station Sonipat City, District Sonipat.

On 28.07.2022, the following order was passed by a co-ordinate Bench of this Court :-

“The learned counsel for the petitioner has submitted that allegation in the present case is pertaining to theft of Rs.1,20,000/- and the petitioner was working in the company belonging to the complainant and it is because of professional misunderstanding that the present FIR has been lodged.

Notice of motion.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana accepts notice on behalf of the State of Haryana and prays for some time to seek instructions.

Mr. Yashveer Kharb, Advocate has appeared on behalf of the complainant and has filed his memo of appearance. He

submitted on specific instructions that the complaint which was given to the police was due to misunderstanding and the petitioner is not involved in this case.

The complainant shall also be at liberty to file his affidavit before the next date of hearing.

Adjourned to 2.2.2023.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioners submits that pursuant to the aforesaid order, the petitioners have joined the investigation.

Learned State counsel on instructions from HC Navdeep has not disputed the aforesaid fact of joining the investigation by the petitioners and submits that their custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioners have joined the investigation and their custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 28.07.2022 passed by the Co-ordinate Bench of this Court is made absolute.

However, the petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if petitioners fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioners.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this

stage.

The petition is accordingly disposed of.

02.02.2023

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(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No