

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH****216**

CRM-M-31457-2023

Date of decision: 24.08.2023

Mahananda Saini and another

....Petitioners

Versus

State of Haryana

...Respondent

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

Present : Mr. Ram Bilas Gupta, Advocate, for the petitioners.

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

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**AMAN CHAUDHARY. J.**

1. On 03.07.2023, 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 petitioners in case FIR No.35 dated 15.02.2023, registered under Sections 406 and 420 IPC at Police Station Tigaon, District Faridabad.

Learned counsel contends that the petitioner No.1 is the wife of the main accused Sampat Saini and petitioner No.2 is the son and they have no connection with his business transactions with the complainant, but for an amount of Rs.40,000/- having been transferred to the account of petitioner No.2, through Phone Pay app and that there is no allegation qua them in the FIR. They are not involved in any other case as well. The interim bail was granted to the petitioners by the trial Court vide order dated 25.05.2023, Annexure P-5, as per which they were directed to join investigation but failed to do so due to poor health condition of the main accused i.e. the husband of petitioner No.1, though, they travelled to Delhi from Maharashtra for the said purpose, regarding which the train tickets as well as the booking of a home stay have been appended as Annexure P-2 to P-4. Consequently, the bail application was dismissed. They are ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Praveen Bhadu, AAG Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioners are directed to join the

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investigation on or before 10.07.2023. In the event of their arrest, they 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 petitioners do 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.

Adjourned to 24.08.2023.”

2. Learned counsel for the petitioners submits that in pursuance of the aforesaid order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions from SI Dharambir affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are not required for further 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 petitioners is allowed and the order dated 03.07.2023 granting interim bail to them, 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 petitioners fail 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 them.

**(AMAN CHAUDHARY)**  
**JUDGE**

**24.08.2023**

*Ankur*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No