

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

208

CRM-M-34003-2023

Date of decision: 25.09.2023

Sonu Malhotra

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Himanshu Arora, Advocate for the petitioner.

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

Mr. Sumit Sangwan, Advocate, for the complainant.

AMAN CHAUDHARY, J.

1. On 21.07.2023, 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 petitioner in FIR No.43 dated 20.02.2023, registered under Sections 406 and 420 IPC (Section 120-B and 212 IPC added later on) at Police Station Dadri Sadar, District Charkhi Dadri.

Learned counsel contends that the name of the petitioner has surfaced on the basis of a disclosure statement of co-accused Ankit, who has falsely implicated him on account of the fact that co-accused Sanjeev Kumar, working as a salesman on behalf of Voltas company in the shop of the petitioner, had lodged an FIR dated 01.12.2022, against him under Sections 306, 34, 406 IPC, as his father had committed suicide. The petitioner otherwise has no concern whatsoever with commission of the offence, as he is running his own business being its sole proprietor, in the name and style of M/s Punjab Electronics, the GST number of which has been appended to the present petition as Annexure P3. As per the allegations in the disclosure statement, the petitioner is stated to be a Chartered Accountant and maintaining a register of the amount that was collected by him from Investors, however, in a statement dated 09.06.2023, made by the said co-

accused, Annexure P5, he had himself admitted to have burnt the register of the transaction of the investment made in the scheme, booklet, record of the account of the investors and the bills etc. of Electronic scooty. Even as per above, no recovery is to be effected from the petitioner. Though there is one more FIR against the him however, he is on bail. He is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Jagdish Manchanda, Addl. AG, Haryana, accepts notice on behalf of respondent-State and Mr. Sumit Sangwan, Advocate, appears and files his power of attorney on behalf of the complainant. Same is taken on record.

Meanwhile, the petitioner is directed to join the investigation on or before 02.08.2023. 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.

Adjourned to 25.09.2023.”

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 ASI Surinder Kumar 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 21.07.2023 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.

25.09.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No