

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

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CRM-M-36404-2023

Date of decision: 06.09.2023

Ram Niwas

..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.

AMAN CHAUDHARY, J.

1. On 28.07.2023, 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 case FIR No.43 dated 20.02.2023, registered under Sections 406 and 420 IPC (Sections 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 surfaced based on disclosure statement of co-accused Ankit S/o Ishwar Dass S/o Lachman Das, who has falsely implicated him on account of the fact that the co-accused Sanjeev Kumar (nephew of the petitioner), who is working as a salesman in the shop of co-accused Sonu Malhotra on behalf of Voltas Company, had lodged an FIR No.756 dated 01.12.2023, registered under Sections 306, 34 and 406 IPC against him on account of the fact that his father had committed suicide. The petitioner has otherwise no concern with the commission of offence as he is an agriculturist by profession. As per the allegations levelled in the disclosure statement, the petitioner is stated to have been maintaining a register of the amount collected by co-accused Ankit from investors. However, in a statement dated 09.06.2023 made by the co-accused Sanjeev Kumar, Annexure P2, he had himself admitted to have burnt the register of transaction of the investment made in the scheme, booklet, record of account of investors and bills etc. of electronic scooty. In view of the above, no recovery is to be effected from the petitioner. He relies on the order passed by this Court, wherein co-accused Sonu Malhotra had been granted interim anticipatory bail vide order dated 21.07.2023. The petitioner is ready and willing to join 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.

Meanwhile, the petitioner is directed to join the investigation on or before 04.08.2023. 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 06.09.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned 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 Surender 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 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 petitioner is allowed and the order dated 28.07.2023 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.

(AMAN CHAUDHARY)
JUDGE

06.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No