

Neutral Citation No.2023:PHHC:162312

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-36434 of 2023 (O&M)

Date of decision : 18.12.2023

...

Mohd. Moosa Qureshi

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Chirag Y. Mehta Advocate for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

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MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. In case FIR No. 164 dated 9.5.2023 under Sections 120-B, 406, 417, 419, 420, 506 of the Indian Penal Code, 1860, registered at Police Station Narwana City, District Jind.

2. Vide order dated 28.7.2023, the arrest of the petitioner was stayed. The relevant part of the said order reads as under:-

“Learned counsel inter alia contends that the dispute between the parties is essentially of a civil nature arising out of contractual business

transactions. Further contends that a complaint under Section 138 of the Negotiable Instruments Act, 1881 also stands filed at the instance of the complainant qua the same dispute. ”

Thereafter, vide order dated 21.9.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation.

3. Learned counsel for the petitioner submits that in compliance of order dated 21.9.2023, the petitioner has joined the investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined the investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 21.9.2023, is made absolute subject to the conditions laid down in Section 438 (2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

18.12.2023
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No