

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 205

CRM-M-38419-2022

Date of decision : 02.03.2023

Kulwinder Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.G.C.Shahpuri, Advocate, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.88 dated 14.03.2022 registered under Sections 406, 420 and 120-B IPC at Police Station Chhappar, District Yamuna Nagar.

On 13.12.2022 this Court had passed the following order: -

“Though the present petition, the petitioner seeks anticipatory bail in case bearing FIR No. 88 dated 14.03.2022, registered under Sections 406, 420, 120-B IPC, at Police Station Chhappar, District Yamuna Nagar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the FIR was registered after a gap of about 01 year and 09 months; that the alleged agreement to sell dated 25.06.2020 was executed between the complainant and Pardeep Kumar, brother of the petitioner; that the petitioner has nothing to do with the present case and that the ad interim anticipatory bail granted to co-accused Pardeep Kumar, has been made absolute today itself.

Learned counsel for the petitioner further submits that vide order dated 09.09.2022 passed by this Court, direction was issued that in the meantime, no coercive action shall be taken against the petitioner.

Adjourned to 02.03.2023.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police. ”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined and cooperated with the investigation and that the State no longer requires the petitioner for investigation purposes.

In the light of the submissions made on behalf of the petitioner as have been recorded in the afore quoted order as also the statement made on behalf of the State, subject to the petitioner's abiding by the conditions prescribed under Section 438(2) Cr.P.C the order of this Court dated 13.12.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

02.03.2023

shamsher

[DEEPAK SIBAL]
JUDGE

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