

101+211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:141086
CRM-45685-2023 in/and
CRM-M-40124-2023
Date of Decision: November 06, 2023

Harvinder and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Karan Singh, Advocate for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. C.M. Munjal, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

On 17.08.2023, following order was passed by this Court:-

“Through the instant petition under Section 438 Cr.P.C., the petitioners seek anticipatory bail in case bearing FIR No.167 dated 01.07.2022, registered under Sections 420, 467, 468, 471, 167, 120-B IPC, at Police Station Chhachhrauli, District Yamuna Nagar.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case; that the loan facility was availed by petitioner No.2 on the land in his ownership and on the land which was wrongly mutated in his father's name, pertaining to the year 2009-2010; that after enquiry it was found that it was the mistake of the revenue official(s) not the petitioners; that the loan amount has already been cleared by petitioner No.2 and that the complainant has already filed a civil suit bearing No.1124/2019 for correction in the revenue record.

Notice of motion.

On the asking of this Court, Mr. Rupinder Singh Jhand, Addl. AG Haryana, accepts notice on behalf of the respondent-State and prays for time to file the reply.

On his request, adjourned to 20.09.2023.

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Meanwhile, the petitioners are directed to join the investigation and if they are sought to be arrested, they 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.”

A categorical stand has been taken by the respondent-State that the petitioners have already joined the investigation, in compliance of the order dated 17.08.2023.

Today, learned State counsel, on instructions from S.I. Subhash, has further stated that custodial interrogation of the petitioners is not required.

In the face of the aforesaid statement made by learned State counsel, the objection of learned counsel for the complainant, so as not to make the order dated 17.08.2023 absolute, is hereby declined.

In view of the aforesaid, the order dated 17.08.2023, whereby the petitioners were granted interim anticipatory bail, is hereby made absolute. However, they shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

November 06, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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