

208

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

CRM-M-43397-2022(O&M)

Date of Decision: 21.03.2023

ASHWANI KUMAR VAISH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Vishwajeet, Advocate for
Mr. Naveen Kashyap, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioner in case FIR No.294 dated 11.05.2022 registered under Section 4 of the PNDDT Act and Sections 120-B and 420 of Indian Penal code, at Police Station Ambala Cantt., District Ambala.

On 15.11.2022, the following order was passed by by the Co-ordinate Bench of this Court :-

“Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.294 dated 11.05.2022 registered under Section 4 of the PNDDT Act and Sections 120-B and 420 IPC, at Police Station Ambala Cantt., District Ambala.

Learned counsel for the petitioner submits that the petitioner was not present at the spot; that the petitioner has been indicted in the present case on the basis of the disclosure statement of the co-accused and that co-accused, namely, Jagga, has been granted the concession of bail by the learned trial Court. He further submits that the alleged ultrasound, for which the money was handed over by the complainant, was never conducted as the machine was not in the working state and that there is no other case registered against the petitioner of similar nature.

Adjourned to 09.03.2023.

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 Cr.P.C.

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

15.11.2022

(HARNARESH SINGH GILL)

Aman Jain

JUDGE”

Learned counsel for the petitioner submits that in pursuance to the order dated 15.11.2022, the petitioner has joined the investigation. The said fact has not been disputed by learned State counsel appearing for State of Haryana and while referring to para 11 of the status report, he submits that petitioner has joined the investigation on 24.02.2023 and his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 15.11.2022 passed by the Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation

as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions made above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

The petition is accordingly disposed of.

21.03.2023
Amandeep

(HARSH BUNGER)
JUDGE

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