

2023:PHHC:051555

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-48508-2022 (O&M)
Date of decision: 13.04.2023

MAYANK MANI

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.761 dated 14.12.2021, under Sections 3(1), 4, 5(1)(a)(b)(c), 6(a)(b)(c), 23, 29 PNDT Act, 1994 read with Rule 9, 10, 18 of Prevention of Corruption Act, 1988 and Sections 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station City, Palwal District Palwal.

On 28.02.2023, this Court had passed the following order:-

“Learned counsel inter alia contends that as per Section 28 of the PNDT Act-1994 only a complaint would be maintainable and not FIR. Still further, the petitioner is running a clinic in UP at Aligarh and FIR has been lodged in Haryana and no notice was issued to the petitioner under Section 41 CrPC as per the judgment of Hon’ble The Supreme Court of India in the case of Satender Kumar Antil versus Central Bureau of Investigation and another, Misc. Application No.1849 of 2021 in Special Leave Petition (CRL) No.5191 of 2021 and its only on receipt of notice dated 27.07.2022, Annexure P-6 that he became aware of the present FIR. As per the FIR also, it is not discernible that raid was actually

conducted at the clinic of the petitioner, as it is the story put forth that a raiding team of Haryana Health Department was following a vehicle which disappeared and subsequently co-accused Harkrishan and Vishnu, who were alleged to be touts have disclosed the name of the petitioner, when they were arrested at Palwal. Petitioner has no concern with the said persons.

Adjourned to 13.04.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 06.03.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance 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.”

Learned counsel for the petitioner submits that in pursuance of order dated 28.02.2023, of this Court, the petitioner has not only joined investigation but has 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.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

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 28.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation 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

April 13, 2023

M.Kamra

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>