

CRM-M-47677-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47677-2023
Reserved on: 19.10.2023
Pronounced on: 20.10.2023

Naresh Kumar Makkar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
348	30.08.2023	Matluda, Panipat	409 & 34 IPC (Sections 411 IPC and 7 of Prevention of Corruption Act added later on)

1. The petitioner, who is posted as Executive Engineer, apprehending arrest in the FIR captioned above, had come up before this Court under Section 438 CrPC seeking anticipatory bail by filing the present petition on 19.09.2023.
2. Vide order dated 21.09.2023, this Court had granted interim bail to the petitioner because the petitioner stated that he is voluntarily agreeable to any of the conditions including declaration of assets and keeping one prepaid sim card. On 12.10.2023, petitioner’s counsel stated that they have voluntarily complied with the conditions as mentioned in the order dated 21.09.2023. On 19.10.2023, when the matter was heard, learned senior counsel appearing for the petitioner again stated that the petitioner has joined the investigation and complied with the order dated 21.09.2023.
3. Counsel for the state opposes the bail.

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3. Prosecution’s case is that on 29.08.2023 at 8 PM when the police party was patrolling, they got secret information that from SSW (Steal Structure Workshop) Thermal, Rishipal JE, Bajrangbali UDC, in connivance with Naresh XEN are going to Mujjafarnagar (U.P.) for selling iron scrap. Based on such information, investigator was able to nab the vehicle along with scrap and found Rishi Pal, Junior Engineer sitting in canter on conductor seat. When they were asked for bill, neither bill was shown nor any satisfactory reply was given. Based on this, present FIR was registered.
4. Perusal of the reply dated 10.10.2023, filed by the concerned DySP, shows that investigation found involvement of the petitioner and it transpires that there were phone calls between Naresh (XEN)-petitioner and Rishi Pal (J.E.). It also transpires that one Bajrang Bali Upper Division Clerk had told Rishi Pal about scrap and then they decided to take money by selling the same in connivance with the petitioner. After reading the telephone conversation (Annexure R-3), in which XEN had asked not to register FIR, it appears that possibility of some other officers intentionally following up the entire sequence, thus waiting for an appropriate opportunity to apprehend the petitioner, cannot be ruled out. Although there is prima facie evidence connecting the petitioner but it is not a case where custodial interrogation or pre-trial incarceration would be required.
5. Given above and coupled with the fact that the petitioner had voluntarily declared the assets which proves his bona fide and other peculiar facts & circumstances of the case, interim order dated 21.09.2023 is made absolute and consequently, the petition is allowed. All Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.10.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.