

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

210

CRM-M-51033-2022 (O&M)

Date of decision: 29.03.2023

PANKAJ KUMAR MANDAL

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S.K. Tripathi, 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.484 dated 28.12.2018, under Sections 406, 420, 467, 468, 471, 477-A and 120-B of the Indian Penal Code, 1860 registered at Police Station Sector 7, Industrial Manesar District Gurugram.

On 14.11.2022, this Court had passed the following order:-

“Apprehending his arrest in FIR No.484 dated 28.12.2018, registered under Sections 406, 420, 467, 468, 471, 477-A & 120-B IPC at Police Station Sector 7, Industrial Manesar, District Gurugram petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the role of the petitioner as has been unearthed during the course of investigation allegedly on the disclosure made by main accused-Mukesh Kaushik is that he forged entry of bills and for the said transaction he was paid an amount of Rs.4.5 lakhs by the main accused. He submits that the petitioner was working as a Computer Operator attached to the main accused-Mukesh Kaushik who was working as Manager of Finance and Accounts with the complainant-company and is also stated to be kingpin of the whole fraud committed in the complainant

concern. He thus submits that being a Computer Operator attached to the Manager, the petitioner had no option but to operate as per the dictate of the Managerial Personnel. The disclosure made by main accused-Mukesh Kaushik cannot be read against him. He further submits that the investigation in the case is complete. He also relies upon order passed in CRM-M-34974-2022 decided on 23.08.2022 and that passed in CRM-M-40626 of 2022 on 13.09.2022 whereby co-accused namely Sanjay Kumar @ Kala and Veena Kaushik have been granted regular bail and interim protection respectively.

Notice of motion returnable for 29.03.2023.

On the asking of the Court, Mr. Ramesh Kumar Ambavta, AAG, Haryana, appears and accepts notice on behalf of the respondent- State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

Learned counsel for the petitioner submits that in pursuance of order dated 14.11.2022, 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 from ASI Brij Mohan 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 14.11.2022 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

March 29, 2023

S.Sharma(syr)

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