

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-52065-2022
Date of decision: 27.03.2023

TARSEM HANDA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jaswinder Singh Grewal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. P. C. Yadav, Advocate
for the complainant.

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. 263 dated 21.10.2022, under Sections 380, 506, 454 of IPC (Sections 380 and 454 IPC deleted and Section 382 IPC added later on) registered at Police Station Sector-9, Ambala City, District Ambala.

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

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.263 dated 21.10.2022, registered at Police Station Sector 9, Ambala City, District Ambala under Sections 380, 506, and 454 of the Indian Penal Code (Section 380, & 454 of IPC has been deleted and Section 382, IPC has been added later).

Learned counsel for the petitioner inter alia contends that petitioner is distant relative of the complainant whose daughter is having friendly relations with him. The complainant on account of friendly relations of the petitioner with the daughter of the complainant has lodged complaint against him. As per FIR, the petitioner on 09.10.2022 in the presence of daughter of the complainant opened Almhira/locker and took away a sum of Rs.4,33,650/- and 5 tola gold. The alleged incident occurred on 09.10.2022 and daughter of the complainant informed him on 12.10.2022. The FIR was lodged on 21.10.2022. It is highly improbable that daughter did not inform the petitioner for 3 days even though she is 22 years old. The FIR was initially registered under Section 380 and 454 IPC which have been deleted and Section 382 has been added.

Notice of motion returnable for 11.01.2023.

On the asking of the Court Ms. Dimple Jain, AAG, Haryana and Mr. P.C. Yadav, Advocate accept notice on behalf of respondent No. 1 State and respondent No. 2 respectively.

Meanwhile, the petitioner shall join the investigation and would remain present as and when summoned by Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

If the Investigating officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the Investigating officer and direct him to join the petitioner in investigation, in terms of the order of this Court. ”

Learned counsel for the petitioner submits that in pursuance of the above order, 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 Narender Kumar 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

27.03.2023
Mehak

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