

(209)

2023:PHHC:098944

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51821 of 2022

Date of Decision: August 02, 2023

Pardeep Kumar
Versus
State of Haryana

...Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Onkar Chauhan, Advocate for Mr. Namit Khurana,
Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 438 Cr.P.C, petitioner prays for grant of anticipatory bail in case FIR No.29 dated 21.01.2022 registered under Sections 379, 420, 34 IPC and 37, 51, 63, 65, 69 of the Copyright Act at Police Station Radaur, District Yamuna Nagar.

On 11.11.2022, following order was passed by this Court:-

“Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.29 dated 21.01.2022 registered under Sections 379, 420 and 34 IPC and Sections 37, 51, 63, 65 and 69 of the Copyright Act, at Police Station Radaur, District Yamuna Nagar.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that before lodging the present FIR and on the similar set of allegation, the petitioner has filed a complaint against the complainant herein before the Telecom Disputes Settlement

and Appellate Tribunal, New Delhi; that since, the audit has already been conducted, vide order dated 04.02.2022, the Appellate Tribunal has directed the authority concerned, to restore the connection, in terms of the agreement between the parties and that vide letter dated 31.05.2022 (Annexure P-6), the tenure of the Interconnection Agreement was extended upto 30.06.2022. He further submits that no illegality has been committed by the petitioner, at any stage and that the petitioner is ready to join the investigation as and when called for.

Notice of motion.

On the asking of this Court, Mr. Rupinder Singh Jhand, Additional AG Haryana, accepts notice on behalf of the respondent-State.

Adjourned to 08.02.2023.

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 Code of Criminal Procedure.

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

It is informed by learned State Counsel, that in compliance of the afore-order dated 11.11.2022, petitioner has since joined the investigation.

In view of the afore-said statement, order dated 11.11.2022 granting interim anticipatory bail to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join

the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

August 02, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No