

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51199-2023
DECIDED ON: 20.11.2023

VIJAY
.....PETITIONER

VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY.

Present: Mr. M.S. Dalal, Advocate
for the petitioner.

Mr. Surender Singh, Asst. AG, Haryana.

SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
349	29.06.2016	406 and 420 of IPC	Gharaunda, District Karnal

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 10.10.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions from SI Vedpal, has

intimated that the petitioner has joined investigation and is no more

required for any custodial investigation in this case nor he is required for further investigation.

4. During the course of hearing on 10.10.2023, this Court has passed the following order:-

“By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:-

FIR No.	Dated	Sections	Police Station
349	29.06.2016	406 and 420 of IPC	Gharaunda, District Karnal

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case having no role whatsoever to play with in the alleged offence. Learned counsel for the petitioner further submits that the FIR pertains to the year 2016 and the challan in this case has already been presented against other accused whereas the petitioner was never joined in the investigation nor the challan has been presented against him. He contends that the petitioner has no role regarding the alleged entrustment of amount by various persons to the institute headed by accused Roshan Lal, as the petitioner was simply working as Peon in the said institute having no active role to play. He has also referred to the affidavit dated 18.01.2016 given by co-accused Roshan Lal, which is part of challan submitted in Court, to the effect that he will be solely responsible for all the transactions carried out by the institute.

3. Notice of motion.

4. On the asking of the Court, Mr. Vishal Malik, Deputy Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents-State and seeks time to file the status report/reply.

5. Needful be done on or before the next date of hearing with an advance copy to the opposite counsel.

6. In the meanwhile, the petitioner is directed to join investigation within seven days and in the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

7. Adjourned to 20.11.2023.”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 10.10.2023 passed by this Court, interim bail granted vide order dated 10.10.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.
6. The petition stands allowed.

20.11.2023

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(SANJIV BERRY)
JUDGE

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