

CRM-M-56189-2022

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Neutral Citation No. 2023:PHHC:047485

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-56189-2022

Date of decision: 28.03.2023

RAHUL MISHRA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. B. S. Bajwa, Advocate for
Mr. Bhupinder Singh Gill, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Vishal Aggarwal, 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. 0527 dated 03.09.2022, under Sections 120-B, 406 and 420 IPC registered at Police Station Ambala Cantt, District Ambala.

On 19.12.2022, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.527 dated 03.09.2022, registered under Sections 120-B, 406 and 420 IPC at Police Station Ambala Cantt, Ambala, Haryana.

Learned counsel for the petitioner contends that the dispute is with regard to the terms and conditions of the memorandum of understanding between the parties. The petitioner is neither the seller

nor the purchaser, but is the third party who has introduced the purchaser and the seller. In so far as the dispute is concerned it is inter se the purchaser and the seller. Be that as it may, learned counsel for the petitioner submits that he is ready and willing to deposit a sum of Rs.20 lakhs with the Registry of this Court. The draft of which is ready. He further submits that petitioner is ready and willing to join and cooperate with the investigation. Notice of motion for 30.01.2023.

At the asking of the Court, Mr. Tanuj Sharma, AAG, Haryana accepts notice on behalf of respondent-State and Mr. Vishal Aggarwal, Advocate has appeared on behalf of the complainant.

Meanwhile, the petitioner is directed to join the investigation on or before 23.12.2022. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C. ”

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. It is further submitted that in terms of his submissions made in the abovesaid order, he has handed over a draft to learned counsel for the complainant, who has no objection if the anticipatory bail is confirmed.

Learned State counsel on instructions 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

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the order dated 19.12.2022 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

28.03.2023
Mehak

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