

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206-A

CRM-M-56542-2022
Date of decision: 27.03.2023

AKSHAY KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ajay Kumar Gupta, 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. 547 dated 22.07.2022, under Sections 193, 420, 467, 468, 471, 506 and 120-B of IPC registered at Police Station Civil Lines, Karnal, District Karnal.

On 05.12.2022, 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.547 dated 22.07.2022, registered under Sections 193, 420, 467, 468, 471, 506 and 120-B IPC at Police Station Civil Lines, Karnal, District Karnal (Annexure P-1).

Learned counsel inter alia contends that petitioner is not the beneficiary of the transaction which was inter se between Virender Singh and Naresh. The allegations against the petitioner of having got signatures on a writing are false. He further submits that the

parties are already in the process of a compromise for which the parties in case bearing CRM-M48721 of 2022 titled “Neeraj Vs. State of Haryana”, Annexure P-3 were referred to the Mediation and Conciliation Centre of this Court. He further submits that petitioner is ready and willing to join and co-operate with the investigation.

Notice of motion for 31.01.2023.

At the asking of the Court, Mr. Tanuj Sharma, AAG, Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 09.12.2022.

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.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

To be heard along with CRM-M-48721 of 2022. ”

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 Bahadur Singh 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 05.12.2022 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

27.03.2023
Mehak

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