

CRM-M-57010-2023

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-57010-2023 (O&M)

Date of Decision: 20.12.2023

ASHWANI KUMAR

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Rupinder Kaur, Advocate and
Mr. Balkrishan Sharma, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

Mr. Manish Soni, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 116 dated 26.08.2023 registered under Sections 408, 420, 468, 467, 471 of Indian Penal Code and Sections 43, 66D of the Information Technology Act 2000 at Police Station Cyber Crime, District Gurugram.

2. On 15.11.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.116 dated 26.08.2023 registered under Sections 408, 420, 468, 467, 471 IPC and Sections 43, 66D of the Information Technology Act, 2000 at Police Station Cyber Crime, District Gurugram.

Learned counsel for the petitioner, inter alia, contends that the present FIR was lodged against one Amit Trehan on the allegation that he was engaged by

the complainant and without authorization he misused the cheques and misappropriated Rs.79,50,657/-. The petitioner herein is not named in the FIR and he has no connection whatsoever with regard to offence as alleged by the complainant.

Notice of motion.

On the asking of the Court, Mr. Gurmeet Singh, AAG, Haryana who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 24.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

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

Adjourned to 15.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel on instructions from Inspector Jasvir Singh, submits that in compliance of order dated 15.11.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 15.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

20.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No