

Crl. Misc. No. M-60660 of 2022

Date of Decision: February 07, 2023

Surender Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Kartar Singh, Advocate
for the petitioner

Mr. Deepak Grewal, DAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No. 398 dated 19.11.2022, registered at Police Station Bhuna, District Fatehabad, under Section 174-A IPC.

The aforementioned FIR came to be registered as the petitioner was declared a proclaimed person in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881.

Vide order dated 23.12.2022, it was directed that the Investigating Officer may proceed in the matter only after compliance of the mandate of Section 41 and 41A of the Code of Criminal Procedure.

Learned counsel for the petitioner submits that the petitioner has appeared before the trial Court in the aforementioned complaint and has been granted regular bail.

Learned State counsel on instructions from ASI Rajesh Kumar submits that notice dated 26.01.2023 was issued to the petitioner under Section 41

of Cr.P.C. and he appeared before the investigating agency on the same day.

From the above, it is evident that the petitioner has joined the investigation. For investigating the case registered, custodial interrogation of the petitioner is not essential.

Thus, the petition is allowed. It is directed that in the event of his arrest, the petitioner shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his joining the investigation and compliance of the provisions enshrined under Section 438(2) Cr.P.C.

[SUDHIR MITTAL]
JUDGE

February 07, 2023
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No