

CRM-M-60818-2023

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-60818-2023 (O&M)

Date of Decision: 20.12.2023

MANOJ KUMAR

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Tewatia, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 459 dated 23.06.2023 registered under Section 7 of the Essential Commodities Act 1995 at Police Station Surajkund, Faridabad.
2. On 04.12.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.459 dated 23.06.2023 registered under Section 7 of the Essential Commodities Act, 1995 at Police Station Surajkund, Faridabad.

Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR and he has been implicated in the present case being a nominee of the depot holder. There is no specific accusation against the petitioner qua commission of offence under Section 7 of the Essential Commodities Act, 1995. It is further contended that similarly situated co-accused namely Aditya Kumar Jha has already been

granted the concession of ad interim anticipatory bail vide order dated 24.11.2023 passed by this Court in CRM-M No.59353 of 2023 (Annexure P-6).

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, 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; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 11.12.2023 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 20.12.2023.

To be heard along with CRM-M No.59353 of 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 ASI Vijay Kumar, submits that in compliance of order dated 04.12.2023 passed by this Court, the petitioner has joined the investigation but has not co-operated with the Investigating Agency.
4. Keeping in view the fact that the petitioner has joined the investigation, the order dated 04.12.2023, 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