

CRM-M-42-2024

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
 CHANDIGARH
 CRM-M-42-2024 (O&M)
 Date of Decision: 31.01.2024

DEEPAK PAL

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gurpreet Singh, Advocate for
 Mr. Ramnish Puri, Advocate
 for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

Mr. Naveen Kashyap, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 460 dated 17.10.2023 registered under Sections 406 and 420 of Indian Penal Code (Sections 506 of IPC and 24 of Emigration Act, 1983 added later on) at Police Station Chadi Mandir, District Panchkula.
2. On 05.01.2024, following order was passed:

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.460 dated 17.10.2023 under Sections 406/420 of IPC (Sections 506 of IPC and 24 of Emigration Act, 1983 added later on) registered at Police Station Chandi Mandir, District Panchkula (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the present FIR was lodged after a delay of three months and there is nothing on record to indicate the complicity of the petitioner with the alleged

offence. Moreover, no notice under Section 41-A of Cr.P.C. was ever served upon the petitioner and co-accused has been granted the benefit of ad interim anticipatory bail vide order dated 08.12.2023 passed in CRM-M-61965-2023 titled as 'Sunita Vs. State of Haryana.'

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.

At this stage, Mr. Gurmej S. Bhinder, Advocate for Mr. Naveen Kashyap, Advocate puts in appearance on behalf of the complainant-Raman Kumar and filed vakalatnama which is taken on record. Registry is directed to tag the same at an appropriate place in the file.

*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 within two weeks from today 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/Arresting 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 Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 31.01.2024.

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 Parveen Kumar, submits that in compliance of order dated 05.01.2024 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 05.01.2024, 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.

31.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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