

CRM-M-3003-2024
Date of decision: 26.02.2024

Junaid Ali SiddiquiPetitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankit Grewal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.179 dated 29.11.2023 (Annexure P-1) under Sections 420/467/468/471 of IPC (added later) registered at Police Station Cyber Crime Police Station, Gurugram District Gurugram.

On 20.01.2024, the 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.179 dated 29.11.2023 under Sections 420 & 467/468/471 of IPC (added later) registered at Police Station Gurugram District Gurugram (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the perusal of the FIR indicates that the alleged fraudulent transaction of Rs.33,000/- credited in the bank account of the petitioner was done through paytm UPI by the complainant himself through his phone and as such, no culpable intention or the other offence are made out against the petitioner. The case of the prosecution is entirely based upon the documentary evidence. As such, custodial interrogation of the petitioner is not required.

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.

*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 26.02.2024.

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.'

Learned State counsel on instructions from ASI Sajjan, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 20.01.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

26.02.2024
Neha

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