

**210 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH**

**Date of Decision: 06.03.2024**

**...Petitioner**

V/S

## ...Respondent

Present: Mr. Aman Pal, Advocate and  
Mr. Japsehaj Singh, Advocate  
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

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**HARPREET SINGH BRAR J. (Oral)**

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 40 dated 22.01.2024 registered under Sections 406, 420, 467, 468, 471 of Indian Penal Code at Police Station City Kaithal District Kaithal.
2. On 06.02.2024, 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.40 dated 22.01.2024 registered under Sections 406, 420, 467, 468, 471 IPC at Police Station City Kaithal, District Kaithal.*

*Learned counsel for the petitioner, inter alia, contends that the case of the prosecution is based on documentary evidence, which is already in the possession of the investigating officer. Moreover, the petitioner has obtained a loan and he has been regularly paying the installment. There is no default on his part.*

*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 12.02.2024 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 06.03.2024.*

*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 Surender, submits  
that in compliance of order dated 06.02.2024 passed by this Court, the

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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 06.02.2024, 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.

06.03.2024

*Ajay Goswami*

(HARPREET SINGH BRAR)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |