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

CRM-M-7539-2024

Date of decision: 14.03.2024

Anant Adak

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amardeep Sheoran, 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.02 dated 04.01.2023 under Section 420 of IPC (Section 120-B of IPC and Section 3 of Protection of interest of Depositors in Financial Establishment Act, 2013 were added later on) registered at Police Station Bawani Khera, District Bhiwani (Annexure P-1).

On 13.02.2024, the 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.02 dated 04.01.2023 under Section 420 IPC (Sections 120-B IPC and Section 3 of Protection of Interest of Depositors in Financial Establishment Act, 2013 were added later on) registered at Police Station Bawani Khera, District Bhiwani.

Learned counsel for the petitioner, inter alia, contends that the petitioner is 64 years of age and he has been involved only on the basis of being father of Pardeep Kumar Adak against whom the allegations of cheating are alleged in the FIR. Infact, the petitioner himself is the victim and only allegation against him is that the amount

was deposited in his account on the asking of son of the petitioner. However, the petitioner never met the complainant or his family members and the amount was further deposited in the account of the company, as such the petitioner is not the beneficiary of said deposit.

Notice of motion.

*On the asking of the Court, Ms. Geeta Sharma, DAG Haryana, who is present in Court, accepts notice for the respondent-State and opposes 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 20.02.2024 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 14.03.2024.

Nothing observed hereinabove shall be construed as an 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 SI Ved Singh, 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 13.02.2024 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

14.03.2024
Neha

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