

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.8141 of 2023

Date of decision: 28th February, 2024

Naresh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Varuna Singh & Ms. Mamta Panwar, Advocates
for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.159 dated 01.04.2022 under Sections 406, 420, 467, 468, 471, 506 & 120-B IPC, registered at Police Station Sampla, District Rohtak.

2. On 16.02.2023, while noticing the following submissions made by learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner inter alia contends that petitioner is innocent and has been falsely implicated in the present case. He has not been named in the FIR and no role has been attributed to him. She further

submits that petitioner has been nominated as an accused on the basis of disclosure statement of co-accused Arjun Vats. Learned counsel further contends that main accused Sandeep and other co-accused namely, Raj Kumar Chowdhary, who were also not named in the FIR, and similarly situated co-accused-Vikram @ Vicky, who was also not named in the FIR, have been granted interim anticipatory bail by this Court vide order dated 07.05.2022, 18.11.2022, 13.01.2023 passed in CRM-M-19285 of 2022, CRM-M-53473 of 2022 and CRM-M-58273 of 2022. Petitioner is ready and willing to join the investigation as and when called by the investigating officer.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 16.02.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Rajesh, has not disputed the submissions made by the learned counsel for the petitioner that he had just witnessed the General Power of Attorney (GPA), which was made at Ghaziabad, and co-accused Raj Kumar Chawdhary being an Advocate had drafted the GPA on the basis of the documents including the Aadhaar Card provided by the main accused Sandeep and Ashok Kumar. Learned State counsel, on further instructions, has also not disputed that in the case in hand, the prime accused are Sandeep and Ashok Kumar, who had impersonated the

original owners of the property in question, i.e. Suman and Pawan, and thereafter, sold the same to the complainant.

5. Learned State counsel, on further instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. In the circumstances, the petition is allowed and the interim order dated 16.02.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

February 28, 2024
rps

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