

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

**CRM-M-11020-2024
Date of decision:18.04.2024**

Madhu Kariyal and another **....Petitioners.**

Versus

State of Punjab and another **....Respondents.**

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Pankaj Bali, Advocate,
for the petitioners.

Mr. Japjot Singh, AAG, Punjab.

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SANJIV BERRY, J. (ORAL)

Affidavit dated 18.04.2024 filed on behalf of Senior Superintendent of Police, Faridkot, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Mr. Jitender Singh, Deputy Superintendent of Police, Sub Division Kotkapura, District Faridkot, is present in Court and has submitted that petitioner No. 1-Madhu Kariyal and petitioner No.2- Rajesh Kumar, happen to be the mother and father of the main accused, namely Vinay Kariyal. He contends that both the petitioners have joined the investigation and are no more required for further interrogation.

3. By way of present petition filed under Section 438 Cr.P.C, the petitioners seek anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
16	02.02.2024	120-B, 420 IPC	Sadar Kotkapura, District Faridkot

4. Learned counsel for the petitioners submits that in compliance to the order dated 21.03.2024, the petitioners have joined the investigation.

5. During the course of hearing on 21.03.2024, following order has been passed: -

- ‘1.

Short reply dated 21.03.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Sub-Division, Kotkapura, Faridkot is taken on record. Copy thereof has been supplied to learned counsel for the petitioners.
2.

Heard.
3.

It is, inter alia, contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. He contends that there is no specific overt act attributed to the petitioners regarding their involvement in the present transaction, which was allegedly between the complainant and Vinay Kariyal-son of the petitioners. He submits that neither the petitioners had given any assurance to the complainant nor any amount was deposited in their account and for that matter, no payment was made to the petitioners but have been falsely roped in the present case by the complainant in connivance with the police.

He submits that the petitioners have no criminal antecedents and are ready to join investigation.

4. Learned State counsel on instructions from ASI Bhupender Singh, P.S. Sadar Kotkapura, District Faridkot intimates that the petitioners have been nominated as accused in the present FIR on the basis of inquiry conducted by the Economic Offences Wing and on the basis of compromise/affidavit dated 08.03.2023 (Annexure P-2) given by Vinay Kariyal, whereafter, the said Vinay Kariyal left the country. However, it is not denied that the petitioners have no specific role in the transaction.

5. In view of the above, the petitioners are hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioners, they shall be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

6. Keeping in view the facts, it is deemed appropriate that the Senior Superintendent of Police, Faridkot be directed to examine the case and to submit his affidavit in Court regarding the criminal liability, if any, of the petitioners on the adjourned date.

7. List on 18.04.2024.'

6. Learned State counsel, in view of the statement made by the Deputy Superintendent of Police and the affidavit (*supra*), informs the Court that the petitioners have joined the investigation and are neither required for further investigation nor for any custodial interrogation.

7. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation consequent to the order dated 21.03.2024 passed by this Court, interim bail granted vide order dated 21.03.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioners are directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. The petition stands allowed.

9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.04.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |