

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11426-2024 (O&M)
Date of order: 13.03.2024

Pawan Kumar
... Petitioner(s)
Versus
State of Haryana
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Shokeen Singh Verma, Advocate
for the petitioner(s).
Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
55	29.03.2022	Jhojhu Kalan, District Charkhi Dadri	120-B, 409, 420, 467, 468, 471 IPC (Later on added Sections 7 and 13 of the Prevention of Corruption Act, 1988.

1. Apprehending arrest in the FIR captioned above, the petitioner had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 16 of the bail petition, the accused declares that they have no criminal antecedents.
3. Vide order dated 4.3.2024, this Court had granted interim protection to the petitioner which is continuing till date.
4. Counsel for the petitioner has referred to paragraph 7 of the reply dated 7.3.2024 filed by the State by way of affidavit of concerned DySP, which read as under:-

“7. That the petitioner was granted interim bail by this Hon'ble High Court in the present petition vide order dated 04.03.2024 with the directions to join investigation. In compliance of the above-mentioned directions, petitioner has joined investigation in the case on 05.03.2024 and nothing is to be recovered from the petitioner as the embezzled amount Rs. 4,36,811/- has already been deposited by the petitioner through RTGS in the bank-account of Gram Panchayat Pichopa-Kala. After joining investigation, the petitioner was released

on the conditions as laid down by this Hon'ble Court vide order dated 04.03.2024. The petitioner is also not involved in any other case and his custodial interrogation is not thus required in the present case”

Reasoning:

5. The petitioner was granted interim protection on 4.3.2024 and during the interregnum, there is no allegation that he had hampered the investigation, or despite being called to join the investigation, he did not appear before the investigator. Moreover, as per the reply filed by the State, the embezzled amount has also been deposited by the petitioner in the account of the Gram Panchayat. Thus, there would be no justification to discontinue the interim protection.
6. Given the penal provisions coupled with the *prima facie* analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for pre-trial incarceration at this stage.
7. Given above, the present petition is allowed and interim order dated 4.3.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

March 13, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes