



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-19049-2024

Date of Decision : **July 24, 2024**

BITTO

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sukhdeep Singh, Advocate
for the petitioner.

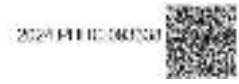
Mr. Bhupinder Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. On 26.4.2024, the following hereinafter extracted order was
passed by a co-ordinate Bench of this Court:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.243 dated 18.5.2022 registered under Sections 406, 420, 467, 468, 471, 120-B IPC, Section 24 of Immigration Act and Section 12D of Passport Act at Police Station Ambala City, District Ambala and quashing of order dated 16.1.2023 (Annexure P-5).

Counsel for the petitioner submits that no doubt, the petitioner is declared as proclaimed person by the Court concerned vide order dated 16.1.2023 (Annexure P-5) but the same is not sustainable as 30 days clear notice was not given to the petitioner to appear before the Court concerned with effect from the date of publication of proclamation as is evident from Annexures P-4 and P-5. In this regard, counsel for the petitioner has



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*referred to the decision of this Court in **Ashok Kumar v. State of Haryana and another** 2013 (4) RCR (Criminal) 550.*

Counsel for the petitioner further submits that the petitioner is falsely implicated in the present case and there are no specific allegations with regard to entrustment of any money to the petitioner and further, the main accused have already entered into compromise with the complainant.

Counsel for the petitioner further submits that the petitioner is ready to join investigation with the police.

Notice of motion.

Mr. Neeraj Sheoran, DAG, Haryana accepts notice on behalf of the State and at the outset, submits that the present petition is not maintainable as the petitioner is already declared proclaimed person vide order Annexure P-5 by the Court concerned. He further submits that the petitioner who is named in the FIR, is required by the police for proper investigation of the case. However, the State counsel on instructions from Inspector Sunil Dutt has not disputed the fact that the other accused persons have effected compromise with the complainant.

Now be listed on 24.7.2024.

In view of above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.

In the meantime, operation of impugned order dated 16.1.2023 (Annexure P-5) is stayed.”



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2. Today, the learned State counsel on instructions imparted to him by HC Jaipal, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 26.4.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

July 24, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No