

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23362-2024
Date of decision: 03.07.2024

VIKASH....PETITIONER

Versus

STATE OF HARYANA...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Ms. Shweta Bawa, Advocate
for the petitioner.

Ms. Gagandeep Kaur, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Section	Police Station
196	28.05.2022	34, 341, 365, 392, 395 and 120-B of IPC	Kasola, District Rewari

2.

Learned counsel for the petitioner submits that in compliance to the order dated 22.05.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 22.05.2024.
3.

Learned State counsel, on instructions from SI Krishan intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.



4. During the course of hearing on 22.05.2024, following order was passed:

“Reply dated 17.05.2024 in the form of an affidavit of Deputy Superintendent, Head Quarters, District Rewari, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Heard.

3. It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the alleged disclosure statement of the co-accused Bunty Chohania who was arrested by the police in this case.

4. Learned counsel for the petitioner further contends that this version of the prosecution is itself falsified and becomes suspicious from the fact that the petitioner was not named in the first disclosure statement by said Bunty but his name cropped up in the second disclosure statement.

5. Learned counsel for the petitioner further contends that similarly stated person Mahesh Sisodia has already been granted concession of interim bail vide orders dated 04.01.2024 and 18.01.2024, respectively, passed in CRM-M-61957-2023, ‘Mahesh Sisodiya vs. State of Haryana’ (Annexure P-6 and P-7).

6. He further contends that the petitioner has no concern with the alleged transaction and is ready to join the investigation.

7. Per contra, learned State counsel referring to the reply submitted by the State has assailed the submissions by arguing that the custodial interrogation of the petitioner is required and he is not entitled to grant of anticipatory bail. However, she has not disputed the case of the petitioner to be on the same footing as that of Mahesh Sisodia (supra).

8. List on 03.07.2024.



9. In the meanwhile, the petitioner is directed to join the investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. ”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 22.05.2024 passed by this Court, interim bail granted vide order dated 22.05.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is 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 petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

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

(SANJIV BERRY)
JUDGE

03.07.2024
kanika

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