

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-26642-2024 (O&M)
Date of Decision:- 21.10.2024

SAGAR MARWAHA AND ANR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Parveen Sharma, Advocate for the petitioners.

Ms. Gaganpreet Kaur, DAG Haryana.

Mr. Yashwinder Singh, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 CrPC

petitioners seek anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
17	13.01.2024	406 and 420 IPC; [24 of the Immigration (Carriers' Liability), Act, 2000 added later on]	Sadar Gohana, District Sonipat

2. Learned counsel for the petitioners has submitted that in compliance to the order dated 09.09.2024 passed by this Court, the petitioners have already joined the investigation and as such interim bail granted to the petitioners may be confirmed.

3. Learned State counsel, on instructions from Sh. Somvir Singh, Assistant Commissioner of Police, Mohana who is present in Court along



with ASI Vikas Kumar, states that the petitioners have joined investigation and are no more required for any custodial investigation in this case nor they are required for further investigation.

4. Heard.

5. During the course of hearing on 09.09.2024, the following order was passed:-

“ 1. Learned counsel for the petitioners inter alia contends that the petitioners are innocent and have been falsely implicated in this case. He submits that the petitioners were never named in the FIR but have been nominated on the alleged disclosure statement made by their father Arun, who is in custody in this case. He contends that there is no transaction whatsoever made by the complainant with petitioner No.1 and as per the allegations amount of Rs.5 lakhs have been transferred in the account of petitioner No.2 by complainant, which according to the documents (Annexure P-10) was taken for arranging tickets and hotel accommodation. He contends that the petitioners had never allured or defrauded the complainant on the pretext of sending his son abroad. He further submits that the petitioners are not having any criminal antecedents and are ready to join the investigation.

2. Learned State counsel on instructions from ASI Vikas Kumar Investigating Officer of the case admits that the petitioners are not having any criminal antecedents. However, seeks time for filing additional affidavit in the matter.

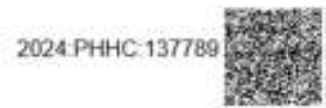
3.Be filed on or before next date of hearing with an advance copy to the counsel opposite.

4.In the meanwhile, without commenting on the merits of the case, 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 482(2) BNSS.

5.The Assistant Commissioner of Police, Mohana, Sonipat is directed to remain present in Court on the next date of hearing along with the Investigating Officer of the case.

6.List on 23.09.2024.”

6. 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 09.09.2024 passed by this Court, interim bail granted vide order dated 09.09.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. 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.

7. The petition stands allowed.

(SANJIV BERRY)
JUDGE

21.10.2024

S.Sharma(syr)

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