



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

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**CRM-M No.32486 of 2024
Date of decision : 11.7.2024**

Ajay Kumar**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Pradeep Duhan, Advocate, for the petitioner

Mr. B.S. Virk, Senior DAG, Haryana

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.242 dated 23.4.2024, under Sections 384, 506 and 34 of the IPC, 1860, registered at Police Station Sector 29, District Panipat.

2. Learned counsel for the petitioner would contend that he was only seen standing at the ATM where the other co-accused persons transacted for withdrawal of the money, as is evident from the CCTV footage obtained by the Investigating Agency during the course of investigation. The person who was actually withdrawing the amount namely, Neena @ Niharika, whereas another co-accused Pankaj, who was also attributed similar role of being seen vide CCTV footage at the ATM, both have been granted the concession of anticipatory bail by the trial Court vide order dated 7.6.2024 (Annexures P-2 and P-3 respectively). It



is also the case set up by the petitioner that call details, CDR and ID already stands recovered by the police, and therefore, no purpose would be served by keeping the petitioner behind the bars as custodial interrogation of the petitioner is not required.

3. Notice of motion.

4. On the asking of Court, Mr. B.S. Virk, Senior DAG, Haryana, who is present in Court, accepts notice on behalf of respondent-State and on instructions from PSI Ashish, opposes the concession of anticipatory bail by submitting that currency notes withdrawn from the ATM are yet to be recovered from the possession of the co-accused persons but he could not deny the fact that same role has been attributed to the other co-accused Neena @ Niharika and Pankaj, who had been granted the concession of anticipatory bail by the trial Court, as has been stated by learned counsel for the petitioner.

5. Be that as it may, it is a matter of fact that the petitioner was only seen standing at the ATM but is not attributed with any overt act of withdrawing money by using the debit/credit card of the complainant. Trial is to be conducted by the Judicial Magistrate Ist Class and the State has not come forth with any incriminating material to convince the Court vide which it could be understood that custodial interrogation of the petitioner is required. The trial Court has observed in the order rejecting the petition for anticipatory bail of the present petitioner on 18.6.2024, that the case of the petitioner is not at parity with co-accused Neena @ Niharika but on that very day, the other co-accused Pankaj who is at parity, which is not disputed by the State counsel.

7. In the light of above, the present petition is allowed with a direction to the petitioner to join the investigation within a period of one week, subject to his furnishing personal/security bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by the Court shall automatically stands cancelled.

(SANDEEP MOUDGIL)
JUDGE

11.7.2024
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No