

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

**CRM-M-37562-2023 (O&M)
Date of decision : 14.02.2024**

Aamir Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.327 dated 21.06.2023, under Section 409 of the Indian Penal Code, 1860; Sections 7 & 10 of the Essential Commodities Act, 1955, registered at Police Station Sadar Nuh, District Nuh.

(2) Above FIR was registered on the basis of complaint made by Sub Inspector Nikesh Rana of Food & Supply Department with the allegations that 60 quintals wheat were found missing in the depot of petitioner, besides other irregularities.

(3) The Coordinate Bench, while issuing notice of motion on 03.08.2023, granted interim bail to petitioner and the same reads as under:-

“This is a petition under Section 438 Cr.P.C seeking anticipatory bail in case FIR No.327, dated 21.06.2023 under Section 409 IPC and Sections 7, 10 of Essential Commodities Act, 1955, registered at Police Station Sadar Nuh, District Nuh.

Learned counsel for the petitioner inter alia submits that petitioner has been falsely implicated in the case. There was no shortage of wheat but the same was stored in additional space and the petitioner is ready to deposit the alleged 60 quintals of wheat, subject to the decision of the case. It is further submitted that except for the said 60 quintals of wheat, nothing is to be recovered.

Notice of motion.

Mr. Gurbir Singh Dhillon, AAG, Haryana, accepts notice on behalf of the respondent-State and waives service. He seeks time to file reply/status report.

List on 28.09.2023.

The petitioner shall remain bound by the statement made on his behalf before this Court, noticed above.

In the meanwhile, petitioner shall join investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bonds and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

- (5) Learned State Counsel, on instructions from SI Ajmer, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 03.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

14th February, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes