

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

206

2024:PHHC:009347

CRM-M-45014-2022

Date of decision: January 24th, 2024

Surinder Kumar Verma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rakesh Verma and Mr. Manish Verma, Advocates
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.73 dated 14.02.2019 under Sections 380 and 409 of the Indian Penal Code, 1860, registered at Police Station Ambala City.

2. Vide order dated 09.11.2022, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioner, inter alia, submits that the petitioner did not commit any offence. He never received any alleged original files/record and there was only photocopies of the record/files. During vigilance enquiry conducted in the matter, all the original record/files in question were sent by the concerned Haryana Urban Local Bodies department to the Director, SVB, Panchkula in the year 2012 and thereafter, no such original record/file was ever received by the petitioner nor there is any such alleged receipt. The petitioner is not the custodian of the record. The petitioner has already retired on 31.10.2017 and the alleged

incident of missing of files pertains to the year 2010 and the present FIR has been registered after a period of 9 years of the alleged incident. Learned counsel further submits that the offence is triable by Judicial Magistrate 1st Class. The petitioner has also filed a petition being CRM-M-9452-2019 for quashing of the FIR in question in which notice of motion has been issued and the same is pending adjudication before a coordinate Bench of this Court for 19.12.2022. The petitioner is already ready and willing to join the investigation.”

3. Learned counsel for the petitioner submits that in compliance of orders dated 09.11.2022 and 11.12.2023, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. She on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.
5. In view of the above, the petition is allowed and interim order dated 09.11.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

January 24th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No