

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44086-2023
Date of decision: 04.01.2024

LALITA KHUDIYA AND ANRPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Mohit Garg, Advocate for the petitioner.

Mr. Vishal Malik, Deputy Advocate General, Haryana.

SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
610	11.08.2023	406 and 420 of IPC.	Azad Nagar, District Hisar.

2. Learned counsel for the petitioner submits that in compliance to the order dated 04.09.2023 passed by this Court, the petitioner has already joined in the investigation and as such prayed for confirming the interim bail granted vide order 04.09.2023.
3. Learned State counsel, on instructions from SI Daler Singh, intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.
4. During the course of hearing on 04.09.2023, following order was passed:

“Learned counsel for the petitioners has submitted that in the present case the dispute was only a financial dispute which has been given a criminal flavour and the allegation was that the petitioners had taken money on the pretext of securing job but there is no sufficient material available with the police to connect the petitioners with regard to offering of any job after taking money. He further submitted that petitioners are not involved in any other case and have got clean antecedents.

Notice of motion.

Ms. Harpreet Kaur, AAG, Haryana accepts notice on behalf of the State of Haryana.

Adjourned to 13.12.2023.

In the meantime, the petitioners are directed to join the investigation and to co-operate fully with the investigation process and on their doing so, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting /Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 04.09.2023 is hereby confirmed in the present FIR No.610, dated 11.08.2023 under Sections 406 and 420 of IPC (Annexure P-1), 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

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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

04.01.2024
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- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No