



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-48643-2024
Date of decision: October 15th, 2024

Rajesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gourav Jain, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

None for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

On 27.09.2024, following order was passed:-

“The petitioner, who has no criminal antecedents, apprehends his arrest in respect of offence punishable under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code in FIR No. 473 dated 27.08.2024 registered at Police Station, City Tohana, District Fatehabad, on account of allegations of cheating and forgery arising out of an incident where a fake trust-deed is sought to be created by the petitioner for grabbing the property of the society. Rejection of prayer for anticipatory bail by the learned Sessions Court is primarily based on the ground that the petitioner, who was initially granted interim anticipatory bail vide order dated 13.09.2024, has failed to divulge relevant information to the police during investigation and therefore, he is not entitled for anticipatory bail.

2. It is well settled in the field of criminal jurisprudence prevalent in our country that an accused is

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entitled to stay silent and it is for the prosecution to collect evidence, if not from accused then from somewhere else and the accused cannot be blamed for remaining silent and therefore, in the considered opinion of this Court and the fact that the entire incident appears to be having civil over tone and in the absence of any criminal antecedents, this Court is inclined to grant the benefit of interim anticipatory bail to the petitioner subject to his furnishing bail bonds for a sum of Rs. 1,00,000/- with two sureties of the like amount each to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

3. *This order shall also be subject to the following condition:-*

- i) *The petitioner shall plant 10 saplings of indigenous plants each at a public place and submit proof in that regard by way of photographs before the Registry before the next date of hearing, failing which the Registry is directed to place the matter before the appropriate Bench where the Bench may consider recall of the order.*

4. *List on 15.10.2024.”*

3. Learned counsel for the petitioner submits that in compliance of order dated 27.09.2024, the petitioner has joined investigation, cooperated with the investigating agency and has placed on record the photographs indicating the petitioner planting plants, as was directed vide the above order.



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 27.09.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) BNSS.

October 15th, 2024

Puneet

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned

Whether reportable

:

:

Yes

No