

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57174-2022
Reserved on: 18.01.2024
Pronounced on: 22.01.2024
2024: PHHC: 008128

NITIN KUMAR GADGE

. . . . Petitioner

Vs.

STATE OF HARYANA

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Raja Bahadur Singh Jain, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. N.S. Sodhi, Advocate, for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 CrPC, petitioner prays for grant of anticipatory bail in case FIR No.450 dated 26.06.2022 registered under Sections 120-B/419/420 IPC at Police Station Sector 8, Faridabad.

2. On 17.04.2023, following order was passed by this Court: -

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.450 dated 26.06.2022 registered under Sections 120-B, 419, 420 of the IPC registered at Police Station Sector-8, District Faridabad.

It is contended by learned counsel for the petitioner that FIR was lodged against as many as 7 persons including petitioner namely Nitin Kumar Gadge, but there is no specific allegations against them.

As per the reply, filed by the State in the form of affidavit of Shri Devender Kumar, HPS, Assistant Commissioner of Police, Economic Offences Wing, Faridabad, petitioner had earlier suffered a disclosure statement in another case FIR No.505 of 2022 registered under Sections 420 & 409 of the IPC registered at Police Station Indore (M.P.), admitting his guilt and that he had started the

company. A copy of that statement has also been placed on record by counsel for the complainant as Annexure C-1.

Adjourned to 18.07.2023.

*In the meantime, the petitioner shall join the investigation and co-operate in the same. It is made clear that in case petitioner fails to co-operate in the investigation, the State will always at liberty to seek the cancellation of the benefit granted to him. Petitioner will abide all the conditions as mentioned in Section 438(2) Cr.P.C. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. In case petitioner is sought to be arrested at any stage, the respondent shall follow the guidelines provided by Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273.**"*

3. Pursuant to the aforesaid order, petitioner joined the investigation, but it was alleged by Id. State counsel that petitioner had not cooperated in the investigation, as he had not answered the specific queries put to him.

4. In view of the aforesaid circumstances, vide order dated 19.09.2023, it was directed that petitioner shall again join the investigation; that Investigating Officer will put questions in writing to the petitioner and answers given by the petitioner shall be recorded in writing.

5. Pursuant to the aforesaid order, fresh status report by way of affidavit dated 16.11.2023 of Sh. Devender Kumar, HPS, Assistant Commissioner of Police, Economic Offences Wing, Faridabad, has been filed along with interrogation of the petitioner (Annexure R1).

6. Id. State counsel contends that petitioner has not cooperated in the investigation, as he did not disclose the mobile numbers and addresses of the co-accused.

7. On the other hand, ld. counsel for the petitioner submits that numerous questions were put to him as per Annexure R1 and he answered all of them. He further submitted that at the time, when the company Natural Herbal Science was working, co-accused Parvesh Rai, Mohit Soni, Jaiprakash, Suraj, Ankit Gupta and Diksha used to meet the petitioner, but at present, he (petitioner) does not know anything about them. Ld. counsel submits further that whatever information was available with the petitioner, he has supplied the same, and that anticipatory bail cannot be refused to him simply because he is unable to disclose the present mobile numbers and addresses of the co-accused.

8. I have considered submissions of both the sides and have appraised the record.

9. As is evident from Annexure R1 i.e the interrogation of the petitioner, he answered all the queries put by the investigating officer. However, he was unable to disclose the present mobile numbers and addresses of the co-accused, pleading lack of knowledge. This Court is of the view that simply because of this reason that petitioner is unable to disclose the mobile numbers and addresses of the co-accused, cannot be a reason to decline the anticipatory bail, particularly when petitioner had already joined the investigation and cooperated in the same.

10. Having regard to all the aforesaid facts and circumstances, order dated 17.04.2023, whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, petitioner shall continue to join the investigation as and when required by

the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

22.12.2023
Vivek

(DEEPAK GUPTA)
JUDGE

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |