

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-57512-2023 (O&M)
Date of decision: 18.01.2024

ASHOK KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. D.S. Gandhi, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

Mr. Ram Kumar Saini, Advocate for the complainant.

SANJIV BERRY. J. (Oral)

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

FIR No.	Dated	Sections	Police Station
544	22.10.2023	406 and 420 of the IPC; 24 of the Emigration Act, 1983; (467, 468, 471 and 370 IPC added later on)	Ambala Cantt, District Ambala

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 14.11.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.
3. Learned State counsel, on instructions from SI Ramesh has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.
4. Learned counsel for the complainant has opposed the bail petition by

arguing that recovery is to be effected from the petitioner.

5. Heard.

6. During the course of proceedings on 14.11.2023, the following order was passed.

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.544 dated 22.10.2023, under Sections 406, 420 IPC and Section 24 of Emigration Act (Sections 467, 468, 471 and 370 IPC added later on), registered at Police Station Ambala Cantt, District Ambala.

Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in the present case. The petitioner has been nominated as an accused for the sole reason that he is the real brother of co-accused Surjit Singh. It is further submitted that as per version alleged in the FIR no role has been attributed to the petitioner. There is no allegation of any cheating being meted out by the petitioner or any money having been transferred to him or in his bank account. The petitioner is not involved in any other case and has clean antecedents as such. It is contended that petitioner is not an accused in case FIR No.424/2023 under Sections 420, 406, 467, 468, 471 and 506 IPC, registered at Police Station Shahabad, District Kurukshetra, referred to in the order dated 04.11.2023 passed by learned Sessions Judge, Ambala, rejecting the anticipatory bail application moved by the petitioner and two other co-accused. The petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

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

List on 18.01.2024.

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

7. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 14.11.2023 passed by this Court, interim bail granted vide order dated 14.11.2023 is hereby confirmed, subject to conditions as envisaged under

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Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by 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.

8. The petition stands allowed.

18.01.2024

S.Sharma(syr)

(SANJIV BERRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/ No