

[206-3] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62282-2023
Date of Decision : 27.02.2024

Irfan ...Petitioner
versus
State of HaryanaRespondent

Coram : **HON’BLE MR. JUSTICE DEEPAK GUPTA**

Present : Mr. Abhinav Sood, Advocate for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

[1] On 12.12.2023, the following order was passed by this Court:-

“ Present: Mr. Abhinav Sood, Advocate for the petitioner.

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.0185 dated 25.09.2023 registered under Section 420 of the IPC, 1860, Section 65 Copyright Act, 1957, 7, 12, 19 of The Fertiliser (Control) Order, 1985 Section 10 & and 3(2)(a) of Essential Commodities Act, 1955 registered at Police Station Bahin, Tehsil and District Palwal.

At the outset, learned counsel for the petitioner submits that similarly place co-accused Aabid has already been granted benefit of interim anticipatory bail vide order dated 31.10.2023 passed in CRM-M-54572-2023 (Annexure P-3). Following order was passed on 31.10.2023 in CRM-M-54572-2023: -

“Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.185 dated 25.09.2023, registered under Section 420 of IPC, 1860, and Section 65 of Copy Right Act, 1957, Sections 07, 12 and 19 of the Fertilizer (Control) Act, 1985 and Sections 10 and 3 (2) (a) of Essential Commodities Act, 1955, at Police Station Bahin, District Palwal.

Counsel for the petitioner submits that although recovery of duplicate DAP (Di-ammonium Phosphate) was effected from a house, but the petitioner is not involved in the offence. He submits that the sole ground on which the petitioner has been made as an accused is that he had taken the said house on rent alongwith the co-accused. He submits that the petitioner, who has a clean past, is prepared to join the investigation.

Notice of motion.

On asking of the Court, Ms. Svaneel Jaswal, Addl. A.G., Haryana accepts notice on behalf of the respondent-State.

List on 02.12.2023.

Petitioner is directed to appear before the Investigating Officer on 15.11.2023 at 11.00 A.M. at Police Station Bahin, District Palwal, and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Notice of motion.

Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of respondent-State.

Learned State counsel could not refute the aforesaid contentions, stating that he has no instructions.

It is informed by learned counsel for the petitioner that connected petition of co-accused is fixed for 27.02.2024.

Be listed along with connected petition on 27.02.2024 for filing status report.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. 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. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C. ”

[2] Today, learned State Counsel, on instructions from SI Hari Om, has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 12.12.2023 and is no longer required for further investigation.

[3] In view of the aforesaid, the order dated 12.12.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

[4] Disposed of.

(DEEPAK GUPTA)
JUDGE

27.02.2024
'Rajneesh'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No