



CRM-M-59178-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-59178-2024 (O&M)
Date of Decision: 29.01.2025

Abhishek Sharma

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

Mahabir Singh Sindhu, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.400 dated 21.09.2023 (P-1), under Sections 420, 406, 447 and 120-B of the Indian Penal Code, 1860 (for short 'IPC') (Sections 467, 468 of IPC added later on), registered at Police Station Gandhi Nagar, District Yamuna Nagar.

2. Reply by way of affidavit dated 25.01.2025 of Mr. Rajesh Kumar, HPS, Deputy Superintendent of Police, Yamuna Nagar-II on behalf of respondent-State has been filed and the same is taken on record. Copy supplied to the other side.

Registry to tag the same at appropriate place.

3. Allegations are that petitioner in connivance with co-accused illegally obtained the possession of property belonging to the complainant while executing fake and forged sale deed.



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4. Contends that petitioner was granted interim bail by Coordinate Bench, vide order dated 27.11.2024 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

5. The above factual position is not disputed by learned State Counsel, on instructions from investigating officer.

6. Heard learned Counsel for the parties and perused the paper-book.

7. It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 27.11.2024 and the order reads as under:-

“Petitioner Abhishek Sharma has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in case FIR No. 400 dated 21.09.2023 under Section 420, 406, 447, 120-B of IPC (Section 467, 468 of IPC added later on), registered at Police Station Gandhi Nagar, Yamuna Nagar, District Yamuna Nagar.

Learned counsel for petitioner argued that petitioner has been falsely implicated in present case. No recovery is to be effected from petitioner. Co-accused Abhimanyu Sharma has already been granted concession of anticipatory bail vide order dated 22.10.2024 passed in CRM-M-40493-2024 (Annexure P-10). He is ready to join the investigation.

Notice of motion.

On asking of this Court, Mr. Rupinder Singh Jhand, Addl. AG Haryana accepts notice on behalf of State and prays for an adjournment to file status report.

Adjourned to 29.01.2025, for filing status report.



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In the meantime, arrest of present petitioner is stayed till next date of hearing, subject to joining of investigation”.

8. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

9. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 27.11.2024 is made absolute subject to the conditions as envisaged under Section 482(2) of ‘BNSS’.

10. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

11. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

12. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

29.01.2025

D.Bansal

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/ reasoned :	Yes/ No
Whether Reportable :	Yes/ No