



**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-65581-2024

Date of decision: 07.02.2025

RAHUL SOOD

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rakesh Nehra, Senior Advocate with
Mr. Souhard Singh, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 of BNSS 2023, seeking anticipatory bail in case bearing FIR No.23 dated 21.01.2017 under Sections 120-B/406/420 of IPC registered at Police Station Ladwa, District Kurukshetra, Haryana.

2. On 07.01.2025, following order was passed:

*“Learned counsel for the petitioner inter alia contends that petitioner is Advocate by profession having 30 years of practice and he has been appointed as retainer by the accused company and he remained Independent Director only for a very limited period and he was not even the Director at the time of alleged occurrence and in similar circumstances, criminal complaints filed against the petitioner were quashed by the Coordinate Bench of this Court in CRM-M-48069-2023 decided on 18.11.2024 (Annexure P-3). Moreover, the maximum sentence under which the FIR(supra) has been lodged is punishable upto 07 years and notice under Section 35-A of BNSS has not been served upon the petitioner. Learned senior counsel placed reliance upon **Dhanraj Aswani Vs. Amar***



*S.Mulchandani and Another 2024 AIR SC 4983, and submits that anticipatory bail under Section 438 of Cr.P.C. is maintainable at the instance of the accused while he is in judicial custody in connection with his involvement in another FIR and as such, the petitioner is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in **Md. Asfak Alam v. State of Jharkhand and another 2023 (3) R.C.R(Criminal) 754**. Learned Sr. Advocate further contends that in another bunch of more than 40 cases against the petitioner, notice of motion has already been issued by Co-ordinate Bench of this Court vide Annexures P-3 and P-4 respectively.*

Per contra, learned State counsel opposed the prayer of grant of anticipatory bail to the petitioner on the ground that petitioner is currently lodged in District Jail, Kaithal in some other case and he is a habitual offender and involved in 102 more cases.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273**, **Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427**, **Satender Kumar Antil v. CBI (2022)10 SCC 51**, **Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375** and **Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the



order of this Court.

Adjourned to 07.02.2025.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Mr. Harsh Vasu Gupta, Advocate has put in appearance on behalf of the complainant and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place. He opposes the prayer of the petitioner on the ground that he is involved in 102 more cases.
4. Learned State counsel, on instructions from SI/SHO Kuldeep, submits that in compliance of order dated 07.01.2025 passed by this Court, the petitioner has joined the investigation and nothing incriminating has been found against the petitioner and he is not required for further custodial interrogation.
5. Keeping in view the statement made by learned State Counsel, the order dated 07.01.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482 (2) BNSS.
6. The petition is accordingly disposed of.
7. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

February 07, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No