



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-36193-2024
Date of decision: 06.05.2025**

HARISH KUMAR

....PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Padam Kant Dwivedi, Advocate
for respondent No.2.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of BNSS, 2023, petitioner seeks anticipatory bail in case FIR as under:

FIR No.	Dated	Sections	Police Station
332	03.12.2014	406, 408, 120-B of IPC	Ellenabad, District Sirsa.

2. Learned counsel for the petitioner submits that in compliance to the order dated 30.07.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 30.07.2024.

3. Learned State counsel, on instructions from SI Lalit Kumar, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial interrogation.

4. Learned counsel for respondent No.2 opposed the submissions made by learned counsel for the petitioner. Hence, prays for dismissal of the main petition.

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5. During the course of hearing on 30.07.2024, following order was passed:

“ Apprehending his arrest the petitioner has filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail in case bearing FIR No.332 dated 03.12.2014 under Sections 406, 408 and 120-B IPC, registered at Police Station Ellenabad, District Sirsa.

2. Learned counsel for the petitioner inter alia submits that petitioner is the partner of M/s Friends Security Service (Registered) having 15% share in said company. Allegedly, sum of Rs.19,89,000/- belonging to the Market Committee Ellenabad has been misappropriated as the bank officials have transferred a sum of Rs.22,10,048/- instead of Rs.2,21,048/- in the account of M/s Friends Security Services as salary of contractual employees. He further submits that alleged transfer of amount in the account of M/s Friends Security Services is only a civil liability and the complainant could recover the same from the Bank in case the alleged amount has been transferred in the account of M/s Friends Security Services by mistake.

3. Notice of motion.

4. Mr. Anmol Malik, DAG, Haryana waives service of notice on behalf of the respondent-State and seeks time to file reply.

5. List on 30.09.2024.

6. In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

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2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

3) That the petitioner shall not leave India without prior permission of the Court. ”

6. 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 30.07.2024 passed by this Court, interim bail granted vide order dated 30.07.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. 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.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.05.2025

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(SANJIV BERRY)**JUDGE**

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No