

Court No. - 80

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 671 of 2024

Applicant :- Mohd Haroon

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Naushad Ahmad Khan

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. Heard Sri Mohd. Naushad Ahmad Khan, learned counsel for the applicant, Sri Ajay Singh, learned counsel for the State.

2. On 23.2.2024 following order was passed by another Bench of this Court:-

"It is an old matter of the year 2019.

It is pointed out that, till date, investigation in the matter is going on.

On putting query in this regard, learned A.G.A. submits that he may be allowed some time to seek instruction in the matter from the Investigating Officer.

Put up this case as fresh on 06.03.2024.

On the next date, Investigating Officer shall remain present before this Court along with case diary and all details of this case to assist learned A.G.A.

Learned Government Advocate shall also communicate this matter to Director General of Police, U.P., Lucknow."

3. The anxiety of the Court was that the investigation in the matter has remained pending since long and as such the Investigating Officer with the case diary was summoned and it was directed that the learned Government Advocate shall communicate the said order to D.G.P., U.P., Lucknow.

4. On 06.03.2024 following order was passed by another Bench of this Court:-

"Heard learned counsel for the applicant as well as learned A.G.A. for the State.

Learned A.G.A. prays for and is allowed four weeks' time to file counter affidavit.

List this case on 04.04.2024.

Till the next date of listing, no coercive action shall be taken against the applicant Mohd. Haroon in Case Crime No. 50 of 2019, under Sections 409, 420, 467, 468, 471, 120-B I.P.C. and Section 13(1)C of Prevention of Corruption Act, Police Station E.O.W., District-Meerut."

5. Learned counsel for the State was granted time to file counter affidavit by the said order but no counter affidavit has been filed till date. Learned counsel for the State submits that communication from his office has been sent to the Senior Superintendent of Police, Meerut on 2.3.2024 and 15.3.2024. In so far as the compliance of the order dated 23.2.2024 of communicating the said order to the D.G.P., U.P., Lucknow is concerned, it is submitted by learned counsel for the State that the same has been communicated to the D.G.P, U.P., Lucknow also on 2.3.2024. It is submitted that no response has been received till date from the said officers.

6. Learned Government Advocate is requested to be present in Court on the next date in the matter since it is seen by the Court that in matters which are being investigated by the E.O.W, the investigations are kept pending for years and years. Even yesterday in one matter this Court came up with a similar situation and directed for filing counter affidavit by an officer not below the rank of A.D.G of the said department. The situation here is the same.

7. The Director General E.O.W shall file his personal affidavit by the next date and intimate the Court as to why there is slackness in the investigations which are being carried out by the E.O.W and the investigations are kept pending for years and years. He shall also intimate the reason for it, persons responsible for it and the steps taken at his end for ensuring expeditious disposal of investigations.

8. Learned Government Advocate shall also communicate this order to the D.G.P., U.P., Lucknow forthwith.

9. Connect with Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No. 866 of 2024 (Ashraf Ali Vs. State of U.P.) and list the matter on 16.12.2024.

10. Till the next date of listing or till the submission of police report, if any, under section 173 (2) Cr.P.C. before the competent Court which ever is earlier, in the event of arrest of the applicant-**Mohd. Haroon**, involved in Case Crime No.50 of 2019, under Sections 409, 420, 467, 468, 471, 120-B IPC and Section 13(1)C

of Prevention of Corruption Act, Police Station E.O.W., District Meerut, he shall be released on **interim anticipatory bail** on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-

(i) the applicant shall make himself available for interrogation by a police officer as and when required;

(ii) the applicant 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;

(iii) the applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the S.S.P./S.P. Concerned.

11. In default of any of the conditions, the Investigating Officer is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

12. The Investigating Officer is directed to conclude the investigation of the present case in accordance with law expeditiously independently without being prejudice by any observation made by this Court while considering the present anticipatory bail application of the applicant.

13. The applicant is directed to produce a copy of this order before the S.S.P./S.P. concerned within ten days from today, who shall ensure the compliance of present order.

(Samit Gopal, J.)

Order Date :- 8.11.2024
Gaurav Kuls