



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2024.
(Arising from SLP(CrI.)No(s).232/2024)

HEMANT KUMAR

APPELLANT(S)

VERSUS

STATE OF HARYANA

RESPONDENT(S)

O R D E R

Leave granted.

Heard learned senior counsel/counsel for the appellant and the State. The allegations against the appellant primarily relates to inflating the cost of construction of a 'green building' for the Municipal Corporation, Sonapat, Haryana.

On going through the materials disclosed, we are of the opinion that custodial interrogation of the appellant is not necessary for the purpose of the ongoing investigation. There is no aggravating factor either, that would justify the detention of the appellant at the investigation stage. On behalf of the State, it was sought to be argued that the appellant was not cooperating with the investigation. But in response to our query about the nature of such non-cooperation, it was submitted on behalf of the State that the appellant as an accused was not helping out for recovery of the sum allegedly paid to him as a bribe. In our opinion, however, participation in the investigation does not entail making self-incriminating statements, which seems to be the reason for which the State wants him in custody.

We, accordingly, set aside the order of the High Court by

which the pre-arrest bail to the appellant was denied and direct that in the event of arrest of the appellant in connection with FIR No.0354/2022 dated 22.06.2022 registered with Police Station Faridabad Kotwali, District Faridabad, Haryana, he shall be released on bail on such conditions the Trial Court may impose.

We further direct that the appellant shall continue to cooperate with the investigating officer during the period of investigation.

The appeal stands allowed in the above terms.

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

.....J.
[ANIRUDDHA BOSE]

.....J.
[SANJAY KUMAR]

New Delhi;
March 06, 2024.

ITEM NO.10

COURT NO.5

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s). 232/2024
(Arising out of impugned final judgment and order dated 05-12-2023
in CRM-M No. 55825/2023 passed by the High Court Of Punjab &
Haryana At Chandigarh)

HEMANT KUMAR

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(IA No.3051/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
and IA No.3052/2024-EXEMPTION FROM FILING O.T.)

Date : 06-03-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. S.R.Singh, Sr. Adv.
Mr. Sushant Kumar Yadav, Adv.
Mr. Ajay Yadav, Adv.
Mr. Prateek Yadav, Adv.
Mr. Mangal Prasad, Adv.
Mr. Gaurav Lomes, Adv.
Mr. Prithvi Yadav, Adv.
Ms. Swapnil Singh, Adv.
Mr. Anurag Singh, Adv.
Mr. Dhroov Kumar Singh, Adv.
Mr. Ankur Yadav, AOR

For Respondent(s) Dr. Hemant Gupta, A.A.G.
Mr. Akshay Amritanshu, AOR
Mr. Samyak Jain, Adv.
Mr. Shivang Jain, Adv.
Mr. Ayush Raj, Adv.
Ms. Monica Anand Kumar, Adv.
Ms. Payal Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed and the appellant is granted
anticipatory bail in terms of the signed order, which is placed on
the file.

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

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR