

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

CRM-M -560 of 2017 (O&M)
Date of decision: 15.03.2017

Kamlesh and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Suryakant Gautam, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.
assisted by ASI Dinesh Kumar.

Mr. Chirag Kundu, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.689 dated 06.11.2016, registered under Sections 148, 323, 506 read with Section 149 of IPC, at Police Station Kalanaur, District Rohtak.

On 12.01.2017, this Court had passed the following order:-

“Contends that the petitioners were admitted to bail to interim bail. The petitioners had duly joined the investigation as reflected in Annexures P-8 & P-9, however, the bail application was subsequently denied on the ground that the petitioners have failed to join investigation.

Notice of motion for 15.03.2017.

The petitioners are directed to join the investigation.

Meanwhile, in the event of arrest of the petitioners by the

Arresting Officer; they shall be released on interim bail subject to the following conditions:-

- 1. That they shall make themselves available for interrogation by a police officer as and when required;*
- 2. That they 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 and;*
- 3. That they shall not leave India without prior permission of the Court.”*

It is contended that in pursuance of the order dated 12.01.2017, the petitioners have joined the investigation.

The learned State counsel, on instructions submits that the petitioners have joined the investigation and they are not required for custodial interrogation.

Initially, the present FIR was registered under Sections 148, 323, 506 read with Section 149 of IPC. On receipt of doctor opinion, Section 307 of IPC was also added. The petitioner has joined the investigation. In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 12.01.2017, is made absolute and the same shall also be read against Section 307 of IPC, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

15.03.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable:

Yes

No