

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25478-2018

Date of decision: 14.08.2018

Tejinder Pal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sunny Dhull, Advocate for
Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.618 dated 13.05.2018 under Sections 148, 149, 323, 365 IPC read with Section 34 IPC, registered at Police Station City Jagadhri, District Yamuna Nagar.

On 11.06.2018, following order was passed by this Court: -

“Learned counsel for the petitioner submits that the petitioner is not the registered owner of car bearing registration No.HP-17-C-4806. Counsel for the petitioner further submits that in CRM-M-23716-2018 filed by co-accused Subhash, following order has been passed on 30.05.2018: -

“Learned counsel for the petitioner submits that with the petitioner not actually named in the FIR, eventually one of the reasons that the learned Additional Sessions Judge

declined bail to the petitioner is seen to be that the mobile phone of the complainant was to be got recovered from the petitioner, whereas in the FIR there is no mention of a mobile phone ever having been taken from him.

Though the allegation against the petitioner seems to be that he is one of the three persons who, along with the main accused, Amrit Lal, allegedly kidnapped the complainant, however, since the recovery of the mobile phone is prima facie at least looking doubtful, let notice of motion be issued to the respondent, returnable on 14.06.2018.

In the meanwhile, upon the petitioner joining investigation, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by the conditions stipulated in Section 438(2) Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaq Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

It is made absolutely clear that as regards the actual 'charge' against the petitioner, of being involved in the kidnapping, no comment whatsoever is made by this Court at this stage."

Notice of motion for 14.08.2018.

In the meantime, petitioner is directed to appear before the Investigating Officer within a period of 10 days to join the investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions: -

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He 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. He shall not leave India without previous permission of the Court.”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order dated 11.06.2018, petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Mehar Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation. It is further submitted that the challan has already been presented.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 11.06.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

14.08.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No