

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25872-2018

Date of decision: 11.09.2018

Sandeep and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Manish Soni, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.214 dated 11.05.2018 under Sections 120-B, 223, 224, 225A IPC (Sections 222, 225 & 201 IPC were added later on), registered at Police Station Badshahpur, District Gurugram.

While granting interim bail to the petitioners, following order was passed on 13.06.2018: -

“Counsel for the petitioners submits that the petitioners were working as Constable and on 10.05.2017, they were assigned duty to take one convict-Rajesh Kumar from Bhondsi Jail, Gurugram to MDU Campus, Rohtak, for enabling him to appear in LLB examination. The allegations in the FIR are that in total, four police officials were deputed for this purpose and both the petitioners stayed at Gurugram and while two other co-officials,

were bringing the said convict back to Bhondsi Jail, Gurugram, on way back, the said convict-Rajesh Kumar escaped their custody and fled away.

Counsel for the petitioners further submits that the FIR was initially registered under Sections 120-B/223/224/225-A of IPC and the petitioners were arrested and granted regular bail by the trial Court. Further, during investigation, Sections 222, 225 and 201 IPC were added and the petitioners are sought to be re-arrested in the case. Counsel for the petitioners further submits that the petitioners have been dismissed from service vide order dated 21.05.2018 and they have filed a writ petition challenging their dismissal from service.

Notice of motion for 11.09.2018.”

Learned counsel for the petitioners submits that in pursuance of the order dated 13.06.2018, petitioners have joined the investigation and are not required for any further investigation.

Learned State counsel, on instructions from ASI Ashok Kumar, has not disputed the factual position and states that the petitioners are no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 13.06.2018 passed by this Court is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

11.09.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No