

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26018-2018

Date of decision: 11.09.2018

Balbir 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 14.06.2018: -

“Counsel for the petitioners submits that in CRM-M-25872-2018, filed by co-accused Sandeep and another, the following order has been passed on 13.06.2018:-

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

Station Badshahpur, District Gurugram.

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.

In the meantime, the petitioners are directed to join investigation and on their doing so, they shall be released on interim bail subject to the following conditions:-

- 1. they shall make themselves available for interrogation by a police officer as and when required;*
- 2. 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 themselves from disclosing such facts to the Court or to any police officer; and*

3. they shall not leave India without previous permission of the Court.”.

Counsel for the petitioners further submits that the petitioners, were assigned the duty of taking the convict from Bhondsi Jail, Gurugram to MDU Campus, Rohtak and they were accompanying the convict when he escaped from their custody.

Counsel further submits that the service of the petitioners has already been terminated without any notice and they have filed CWP-13973-2018 in which notice of motion has been issued for 13.07.2018.

Notice of motion for 11.09.2018.”

Learned counsel for the petitioners submits that in pursuance of the order dated 14.06.2018, 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 14.06.2018 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
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No