

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47829-2018
Date of decision-01.12.2018

Sunil Kumar

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Samrat Gill, Advocate for
Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.118 dated 05.10.2018 registered under Sections 323, 332, 353 and 506 of the Indian Penal Code at Police Station Raipur Rani, District Panchkula.

On 30.10.2018 this Court had passed the following order:-

"In the instant petition, petitioner has sought for anticipatory bail under the provisions of Section 438 Cr.P.C in case FIR No.118 dated 5.10.2018 registered under Sections 323, 332, 353, 506 IPC at Police Station Raipur Rani, District Panchkula.

Learned counsel for the petitioner submitted that petitioner's name has been cropped up in the FIR with reference to his status as a Supervisor in M/s Gobindpur Royalty Company, Raipur Rani, District Panchkula. Allegations is that petitioner and his company are involved in illegal mining activities with JCB Machine. Sessions Court while rejecting the petitioner's bail application has taken into consideration that recovery of JCB machine used in the commission of offence and custodial interrogation in the case is necessary.

Consequently, petitioner is not entitled to anticipatory bail. It is to be noted that petitioner is only a employee of the aforesaid company and he is working as a Supervisor. If the JCB is required to be recovered, in that event, respondent-police official have other method. Therefore, petitioner entitled to anticipatory bail.

Notice of motion for 1.12.2018.

In the meanwhile, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on pre-arrest anticipatory bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction subject to the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of the order dated 30.10.2018, the petitioner has joined the investigation.

Learned State counsel on instructions from SI Resham Singh submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, the interim bail granted by this Court vide order dated 30.10.2018, is made absolute.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

01.12.2018

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No