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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4206-2019

Date of decision-01.05.2019

Deepak Kumar

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arun Sharma, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Mool Chand.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.0258 dated 25.07.2018 under Sections 148, 323 and 365 read with Section 149 of Indian Penal Code at Police Station Ladwa, Distirct Kurukshetra. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 31.01.2019, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner submits that on the same set of allegations, co-accused of the petitioner, namely, Jaswinder Sharma and one another have approached this Court by way of filing CRM-M No.37884 of 2018, which is pending for hearing on 06.02.2019 after issuing notice of motion and interim

protection has also been granted to them.

Notice of motion for 06.02.2019.

*To be heard along with **CRM-M No.37884 of 2018.***

*Interim order in the same terms as in **CRM-M No.37884 of 2018 till the next date of hearing.***

On 07.09.2018, the following order was passed in CRM-M No.37884 of 2018:-

“Power of attorney filed on behalf of the complainant is taken on record.

Learned counsel for the petitioners states that since petitioner No.1 is a witness to an agreement to sell dated 14.06.2018 (Annexure P-1), they have been falsely implicated in the instant case. Otherwise the alleged injuries on the person of complainant-Suresh Kumar are simple in nature.

Adjourned to 19.11.2018.

In the meantime, in the event of arrest of the petitioner, they shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioners shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Mool Chand does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Mool Chand further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail

granted by this Court vide order dated 31.01.2019 is made absolute.
However, it is made clear that this order shall remain operative only till the
filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

01.05.2019
vanita

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