

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16986-2019

Date of decision-22.05.2019

Mohan @ Moni

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S.Sheoran, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

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.5 dated 07.01.2019 under Sections 148 and 307 read with Section 149 of Indian Penal Code and Section 25 of Arms Act registered at Police Station Kasola, District Rewari. 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 12.04.2019 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 contends that the FIR was recorded on the statement of complainant-Satbir wherein it was alleged that when complainant along with Amit was standing near a temple then about ten persons came on motorcycles, some of them have been named which include the name of the petitioner as well. As per the allegations, three gun shots were fired, however, no injuries were caused to anyone much less the

complainant or his companion-Amit. Petitioner has not been attributed any role.

Notice of motion for 22.05.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified 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 SI Sube Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from SI Sube Singh 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 12.04.2019 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

22.05.2019

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No