

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

**CRM-M No.38126 of 2018 (O&M)
Date of Decision: 11.07.2019**

Manish Badhana

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Raghav Gulati and Mr. Sanish Girdhar, Advocates
for the petitioner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana
for the respondent/State.

Mr. Sunny Rawat, Advocate for
Mr. Baljeet Beniwal, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0118 dated 15.03.2018, under Sections 148, 149, 323, 427, 506, 379-B of the Indian Penal Code, 1860 (*for short 'IPC'*) (Sections 325 & 307, IPC added later on), registered at Police Station Old Faridabad, District Faridabad.

This Court, on 21.09.2018, passed the following order:-

“ Petitioner has filed second application for pre arrest-bail. First bail application was dismissed by this Court vide order dated 01.06.2018.

Learned Senior Counsel for the petitioner has argued that petitioner has already joined the investigation on

12.09.2018 and nothing is to be recovered from him and he is still ready to join the investigation, if required anymore in the future.

In pursuance of the order dated 11.09.2018 passed by this Court, Inspector Dalbir Singh, State Crime Branch, Faridabad filed reply by way of an affidavit 14.09.2018 and relevant part of para 4(iii) on merits reads as under:-

“4(iii) It is further submitted that petitioner along with his father had come on 12.09.2018 at the office of State Crime Branch, Sector 30, Faridabad and handed over the CDs as alleged and stated that “I am not presented at the time of occurrence at the spot. I am presented in front of the House No.675, Sector-21A, Faridabad from 3.41 PM till 4.31 PM on 15.03.2018, the complainant wrongly implicated me in the said case”. Now as per rules statement of Manish Bhadana has been recorded and CDs got on police file. As per rules to check the authenticity of the CDs will send to FSL for scientific opinion and after get the opinion from the FSL and the call details from concerned telecom company the answering respondent could tell that the applicant stated and narrated true or false facts.

Perusal of the extracted portion of the affidavit dated 14.09.2018 clearly reveals that petitioner had joined the investigation on 12.09.2018 in the office of State Crime Branch, Sector 30, Faridabad and apart from making his statement, he handed over CDs to the police.

Since learned Senior Counsel has made a statement that petitioner is still ready to join the Investigation and he will fully cooperate in the matter as and when required by the Investigating Officer.

In view of the above, adjourned to await the report of the FSL for 02.11.2018 .

In the meanwhile, the petitioner is directed to join investigation before the Investigating Officer as and when

required. In the event of his arrest, the Arresting officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C. ”

Contents that in terms of above order, petitioner has joined the investigation and his custodial interrogation is no longer required.

Learned State Counsel, on instructions from ASI Ranjeet Singh, has acknowledged that in terms of order dated 21.09.2018, petitioner has joined the investigation. Also stated that three injured, namely, Kapil, Yogesh and Gaurav have already turned hostile.

In view of above, interim order dated 21.09.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

Disposed off accordingly.

July 11, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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