

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

**CRM-M No. 20841 of 2019
Date of Decision:-02.09.2019**

Naresh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Jangvir Singh Hooda, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.54 dated 22.2.2019, under Sections 323, 342, 34 IPC (Section 325 IPC added during investigation) and Section 25/54/59 of Arms Act, 1959, registered at Police Station Chandhut, District Palwal. The petitioner apprehends his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 08.5.2019 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 complainant had earlier entered the house with his accomplice and weapon, who is a drug addict as well. The complaint in that regard was given to the Police on the same day. It is further pointed out that the allegation levelled by the complainant in FIR are false which was originally recorded for the offences punishable under Sections 323 and 342 read with Section 34 of Indian Penal Code and Sections 25, 54 and 59 of Arms Act. Subsequently Section 325 IPC added during investigation.

Notice of motion for 02.09.2019.

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 ASI Mahabir does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Mahabir 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 08.5.2019 is made absolute.

September 02, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No