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

CRM-M-29272 of 2019

Date of decision: September 12, 2019

Rajesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ivneet Singh Pabla, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioner, in FIR No.121 dated 16.04.2019, under Sections 148, 149, 323, 452, 506 of the Indian Penal Code, 1860, registered at Police Station Assauda, District Jhajjar.

As per prosecution case, petitioner along with co-accused gave beatings to the complainant and others, with wooden batons.

On 12.07.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that petitioner was not present at the place of occurrence, rather it was Rinku s/o Nanhi, who is mentioned in the FIR, but police is harassing the petitioner. Also contends that the name of the petitioner is Rajesh and his mother's name is Nirmala not Nanhi.

Notice of motion for 12.09.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of

his arrest, the Arresting Officer would admit him to interim bail in the present case 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.”

Learned State counsel, on instructions from Head Constable Devender, has stated that in terms of order dated 12.07.2019, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 12.07.2019 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

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

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 12, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No