

**216-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-30130-2019
Date of decision-06.11.2019**

Ankit Duhan

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bharat Arya, 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.133 dated 22.04.2019 under Sections 148, 323, 379-B and 506 read with Section 149 of Indian Penal Code, 1860 (Section 379-B IPC deleted later on) registered at Police Station Sector-5, Panchkula, District Panchkula. 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 18.07.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“A perusal of the FIR reveals that as per the allegations, an altercation took place between the complainant, his friends and some other boys when they were having late night meals at an eating joint. In the occurrence injuries were suffered by complainant and his friends, which are punishable under Section 323 IPC. Though originally Section 379-B IPC was incorporated in the FIR but subsequently the same was deleted and the only offence which is non-bailable in nature is

punishable under Section 506 IPC. As per averments, the petitioner was not named in the FIR and was indicted on the statement of the co-accused and was shown to be present at the place of occurrence. In respect of the said offence, the custodial interrogation of the petitioners may not be required. Further reliance is placed upon the order dated 03.07.2019 passed in CRM-M-27530-2019, whereby the concession of interim bail was extended to the co-accused.

Notice of motion for 06.11.2019.

To be heard along with CRM-M-27530-2019.

In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the 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 Vijender does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Vijender 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 18.07.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

06.11.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No