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

CRM-M-31657 of 2019

Date of decision: October 22, 2019

Brahm Parkash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Thakan, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J

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.940 dated 29.11.2018, under Sections 147, 148, 323, 427, 379-B, 420, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Bhiwani.

On 17.08.2019, this Court has passed the following order:-

“Contends that occurrence is alleged to have taken place on 30.09.2018 and the present FIR was registered on 29.11.2018, i.e. after a period of approximately two months.

Learned State counsel seeks time to verify the factum of making initial complaint to the police.

Adjourned to 26.09.2019.

In the meanwhile, petitioner is directed to join investigation before the Investigating Officer. 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) of Code of Criminal Procedure, 1973.”

In compliance of order dated 17.08.2019, passed by this

Court, an affidavit of Virender Singh, Deputy Superintendent of Police, Bhiwani filed by learned State counsel, today in Court, is taken on record. Perusal of the same reveals that in this case, the date of occurrence is stated to be 30.09.2018, but prior to 08.10.2018, police did not receive any complaint either in writing or oral.

Learned State counsel, on instructions from ASI Pardeep Kumar, has apprised the Court that in terms of order dated 17.08.2019, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 17.08.2019 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

October 22, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No