

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

CRM-M-34845-2019

Date of decision-17.12.2019

Rahul

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Kumar Garg, Advocate for the petitioner.

Ms. Tanushree Gupta, 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.416 dated 01.07.2019 under Section 379-A of Indian Penal Code, 1860 registered at Police Station Shivaji Colony, District Rohtak. 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 27.08.2019 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 three persons were named in the FIR i.e. Rahul, Monu and Chintu. The attention of the Court is invited to the reply filed by the police to contend that the actual accused Rahul is son of Vinod, who already stands arrested and the recovery is also made from him. It is pointed out that the petitioner incidentally named Rahul but he is son of Harinder, who has been falsely indicted.

Notice of motion for 17.12.2019.

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 Sukhbir does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Sukhbir 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 27.08.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

17.12.2019

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