

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.13700 of 2020

Date of Decision : 20.08.2020

Krishan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. HPS Ishar, Advocate
for the petitioner.

Ms. Safia Gupta, A.A.G, Haryana.

Mr. Vivek Goyal, Advocate
for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.120 dated 15.04.2020 under Sections 148,149,323,506,307 and 34 IPC and Sections 25, 54, 59 and 27 of Arms Act, 1959 (Sections 148,149,307 IPC and Section 27 of the Arms Act added later on) registered at Police Station IMT, Rohtak.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 03.06.2020. Order dated 03.06.2020 is as under:-

“The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.120 dated 15.04.2020 under Sections 148,149,323,506,307 and 34 IPC and Sections 25, 54,59 and 27 of Arms Act, 1959 (Sections 148,149,307 IPC and Section 27 of the Arms Act added later on) registered at Police Station IMT, Rohtak.

Learned counsel for the petitioner states that the petitioner was already granted the benefit of regular bail by the competent Court of law, after which, one of the injury was declared grievous and dangerous to life, hence, Section 307 IPC was added. Learned counsel for the petitioner argues that after adding Section 307 IPC, the police is again trying to arrest the petitioner, though, there is no valid justification for putting the petitioner behind the bars as the petitioner was already released on regular bail and merely by adding Section 307 IPC, the petitioner cannot be put behind the bars again.

Notice of motion for 20.08.2020.

Mr. Kuldeep Tiwari, Addl. A.G. Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State. Learned State counsel argues that after adding Section 307 IPC further custodial interrogation of the petitioner is necessary as one rod used by the petitioner during the commission of the offence is to be recovered.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Section 307 IPC has been added on the advice of the doctor, when one of the injury was declared life threatening. The petitioner had already been granted the benefit of regular bail prior to the adding of Section 307 IPC. Nothing has been pointed out by the learned State counsel, as to why, the custodial interrogation of the petitioner is necessary after addition of Section 307 IPC. In respect of the argument of learned State counsel that rod is to be recovered, nothing has come forward, as to why, the same was not recovered by the police during investigation before the petitioner was released on regular bail. Recovery of the weapon can be effected during investigation also, for which, the custodial interrogation is not needed.

Learned counsel for the complainant, who has joined the proceedings through video conference, reiterates the objections raised by the State counsel.

Learned counsel for the petitioner submits that the petitioner is ready to join the investigation and he further undertakes that the petitioner will fully cooperate in the

investigation.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.
- (iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Learned State counsel, who has also joined the proceedings through video conference, on instructions from Anil Kumar, SHO, IMT, Rohtak, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required.

In view of the above, the order dated 03.06.2020 granting interim bail to the petitioner is made absolute subject to the condition that he is not required at this stage, but, in case Investigating Agency wants him to join again, he will make himself available.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing

appropriate orders.

The petition stands disposed of.

August 20, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No