

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 14241 of 2020

Date of Decision: 03.09. 2020

Kimti Kangra and Another

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Shalender Mohan, Advocate
for the petitioners.

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for respondent No.1.

Anil Kshetarpal, J.

On 08.06.2020, this Court has passed the following order:

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

CRM-12533-2020

Application is allowed as prayed for.

Main Case

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.202, dated 30.04.2018, under Sections 387, 34 and 120-B IPC, registered at Police Station Hansi, District Hisar.

Learned counsel for the petitioners argues that there is no role, which has been attributed to the petitioners in the present FIR. Further, coaccused, namely, Vikas Chindi S/o Jaiveer and Sonu @ Commando S/o Rajender were arrested by the police and as the complainant did not support the version of the prosecution, co-accused have been acquitted by the Court

on 01.10.2018 and, therefore, no case is made out for custodial interrogation of the petitioners at this stage.

Notice of motion for 03.09.2020.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of State of Haryana.

Learned State counsel, on instructions from S.H.O. Jasbir Singh, Police Station, City, Hansi, concedes that co-accused, namely, Vikas Chindi S/o Jaiveer and Sonu @ Commando S/o Rajender have already been acquitted by the Court. Learned State counsel submits that petitioners were involved in other cases but concedes that in those cases, petitioners have already been acquitted.

I have heard learned counsel for the parties and have also carefully gone through the case file.

Once, it is conceded that co-accused of the petitioners have already been acquitted by the Court and the complainant has resiled from his statement, no case for the custodial interrogation of the petitioners is made out at this stage. Purpose of the investigation would be achieved, in case the petitioners are directed to join the investigation and cooperate.

Keeping in view the above, the petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to their satisfaction subject to the following conditions:-

- (i) That they shall make themselves available for interrogation by the police officer as and when required.*
- (ii) They 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 them from disclosing the said facts to the Court or to any police officer”.

Mr. Chetan Sharma, Assistant Advocate General, Haryana has submitted that the petitioners have joined investigation, co-operated and not required for further custodial interrogation.

In view of the above, the present petition is allowed and the order dated 08.06.2020, passed by this Court, whereby interim pre-arrest bail was granted , is made absolute.

(Anil Kshetarpal)
Judge

September 03, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No