

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(201)

CRM-M-14225-2020

Date of Decision: September 02, 2020

Keshav

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kartar Singh, Advocate, for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

The petitioner is seeking anticipatory bail in FIR No.988 dated 10.11.2018 under Sections 333,353,186 IPC (Sections 307,506,189,148 and 149 IPC added later on) registered at Police Station City Ballabgarh, District Faridabad.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 08.06.2020. Order dated 08.06.2020 is as under:-

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

CRM-12510 of 2020

Application is allowed as prayed for.

CRM-M-14225 of 2020

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.988 dated 10.11.2018 under Sections 333,353,186 IPC

(Sections 307,506,189,148 and 149 IPC added later on) registered at Police Station City Ballabgarh, District Faridabad.

Learned counsel for the petitioner argues that the petitioner has been falsely roped in the present case. He further argues that the only allegation against the petitioner is that the petitioner has caused injury to the complainant, SPO Sandeep Kumar, with lathi, but, no injury has been found corroborating the said allegation.

Notice of motion for 02.09.2020.

Ms. Tanisha Peshawaria, DAG, 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 submits that danda used by the petitioner is yet to be recovered and P.O. proceedings against the co-accused of the petitioner, namely, Kuldeep Singh have already been initiated and in case the petitioner is granted the concession of anticipatory bail now, the same will hamper the investigation.

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

Prima facie, the only role attributed to the petitioner is giving lathi blow to the complainant SPO, Sandeep Kumar. Learned State counsel has not been able to bring to the notice of this Court that there was any injury, which corroborates the said allegation, keeping in view the investigation concluded so far.

Keeping in view the facts noticed above, the purpose of investigation will be served, in case, the petitioner is directed to join and cooperate in the investigation.

Learned counsel for the petitioner submits that the petitioner is ready to join and 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.

On the next date of hearing, learned State counsel will inform, as to whether, the petitioner is cooperating in the investigations or not so as to review the order passed today, in case necessary.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Jamil Khan, Police Station City Ballabgarh, District Faridabad, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 08.06.2020 granting interim bail to the petitioner is made absolute.

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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 02, 2020
harsha/naresh.k

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