203 **IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

CRM-M-14951-2020
Date of decision: 11.08.2020

LAL BAHADUR @ KALU

.....Petitioner

Versus

STATE OF HARYANA .....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Sharmila Sharma, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana
for the respondent-State.

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ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed (first) petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case F.I.R. No. 159 dated 02.05.2020 registered at Police Station Kalanaur, District Rohtak under Sections 323, 324, 341 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') to which Section 307 of the IPC was added later on.

While issuing notice of motion on 12.06.2020, this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

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Learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case. As per the allegations made in the FIR the petitioner was empty handed. The petitioner is alleged to have given slaps to Kapil. No injury on the person of injured complainant Bhupender @ Bhuppe is attributed to the petitioner. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State counsel, on instructions from ASI Sunny, has submitted that in compliance with order dated 12.06.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 12.06.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

11.08.2020 **(ARUN KUMAR TYAGI)**
vishal **JUDGE**

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

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