

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

201

**CRM-M-15125-2020(O&M)
Date of Order:14.10.2020**

Anil Kumar Ojha and another

..Petitioners

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

On 15.06.2020, while noticing the contentions of learned counsel for the petitioners, the following order was passed:-

“This matter is being taken up for hearing through video conference/WhatsApp due to the pandemic COVID-19.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in this case. He submits that nothing has to be recovered from the petitioners. He further submits that the petitioners had valid e-passes for travelling to Manesar. He further submits that though the petitioners have nothing to do with the commission of the alleged offence/s as leveled in the FIR, even then they are ready to join investigation as and when called upon to do so by the Investigating Agency.

Issue: Notice of motion.

Since advance copy of the petition stands already served, Mr. Saurabh Mohunta, DAG, Haryana accepts notice on behalf of the respondent-State. He may file reply if he wishes.

List on 07.08.2020.

In the meanwhile, petitioners shall appear before the Investigating Officer/Arresting Officer as and when required and shall fully cooperate in the investigation of this case. In the event of their arrest, petitioners shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer. Petitioners shall comply with the conditions as stipulated in Section 438(2) Cr.P.C.”

Thereafter, on 07.08.2020, learned counsel appearing for State of Haryana, made a statement that, although, the petitioners have joined the investigation, however, they have not rendered full cooperation. The medico legal report of the injured policemen as well as of the petitioners were directed to be placed on record.

In pursuance thereto, medico legal report of the policemen and petitioner no.2 have been placed on file.

It is apparent that all of them have suffered abrasions. The petitioner's mother and brother were arrested from the spot.

Sh. Chetan Sharma, Assistant Advocate General, Haryana, has failed to draw attention of the Court to any circumstance necessitating custodial interrogation of the petitioner.

Keeping in view the aforesaid facts, the interim order dated 15.06.2020 passed by this Court, is made absolute.

Accordingly, the present petition is allowed.

October 14, 2020
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(ANIL KSHETARPAL)
JUDGE

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