

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

203

**CRM-M-20655-2020
Date of decision: 10.12.2020**

Deepak Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.708 dated 01.12.2019 registered under Sections 148, 323, 324, 325 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station City Yamuna Nagar, District Yamuna Nagar to which Section 307 of the IPC was added lateron.

While issuing notice of motion on 28.07.2020, Coordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and relevant part of the order reads as under:-

"Counsel for the petitioner inter alia contends that petitioner has not been specifically named in the FIR. He is sought to be indicted in the crime on the basis of

statement made by co-accused Aniket @ Pardume, released on regular bail. He would further argue that no specific injury has been attributed to the petitioner. The injury constituting offence under Section 307 IPC has been attributed to accused Sushil and said Sushil had grudge against the victim as an FIR was registered under Section 354 IPC with regard to Vishal having committed an illegal act with wife of Sushil. It is further argued that custodial interrogation of the petitioner is not required and he is ready to join investigation and co-operate throughout.

Heard.

Notice of motion.

Mr. Deepak Bhardwaj, DAG, Haryana accepts notice on behalf of State of Haryana.

Counsel representing State of Haryana, on instructions from ASI Raj Kumar, has not disputed factual submissions made by counsel for the petitioner. He would submit, in response to a query, that the petitioner has been attributed the role of giving fist and kicks blows to injured Vishal, constituting offence under Section 323 IPC. The main accused namely Sushil and his co-accused Aniket @ Pardume were arrested in the case. Aniket @ Pardume was allowed regular bail by the Additional Sessions Judge, Yamuna Nagar.

Taking into consideration the role attributed to the petitioner, he is directed to join investigation within seven days and on his appearance before the arresting/investigating officer, he shall be admitted to bail on his furnishing bail bonds to the satisfaction of the concerned officer subject to the following conditions:-

(i)He shall make himself available for interrogation by a police officer as and when required;

(ii)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/her from

*disclosing such facts to the Court or to any police officer;
and*

*(iii)He shall not leave India without previous
permission of the Court.*

Adjourned to 22.9.2020."

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Subhash Chand, HPS, Deputy Superintendent of Police, Yamuna Nagar in the registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has while reiterating the submissions made on 28.07.2020 submitted that in compliance with order dated 28.07.2020, the petitioner has joined the investigation.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Nirmal Singh, acknowledged that in compliance with order dated 28.07.2020 passed by Coordinate Bench of 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, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or

tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 28.07.2020 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.

10.12.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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