

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

202-A

CRM-M-25779-2020

Date of decision: 12.10.2020

Parimal Chander Shekhar Kotpaliwar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, 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 'the Cr.P.C.') for grant of anticipatory bail to the petitioner in case FIR No.41 dated 18.02.2020 registered under Section 174-A of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station PGIMS, Rohtak.

Vide order dated 03.09.2020 Coordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by learned State counsel in terms of short affidavit of Vinod Kumar, HPS, Deputy Superintendent of Police, Rohtak.

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

Learned counsel for the petitioner has submitted that in case FIR No.110 dated 04.05.2015 registered under Sections 420, 467, 468, 471, 120B and 201 of the IPC and Section 66A of the Information Technology Act, 2000 at Police Station, PGIMS Rohtak on arrest the petitioner was granted bail vide order dated 17.09.2015. The petitioner was arrested in another case at Chhattisgarh on 18.06.2019 and was released on bail in that case on 03.12.2019. After his release on 03.12.2019, the petitioner suffered from acute alcoholic jaundice and was bed ridden. The petitioner was shown to have absented during the above said period and was subsequently declared proclaimed offender without any notice vide order dated 17.02.2020 in breach of the prescribed procedure and the present FIR was registered on the basis thereof. The absence of the petitioner was not intentional and was due to reasons beyond his control. The petitioner is ready to abide by the terms and conditions to be imposed by the Court. In compliance with order dated 03.09.2020 passed by Coordinate Bench, the petitioner has joined the investigation. Therefore, the petitioner may be granted anticipatory bail.

Learned State counsel has vehemently opposed the petition and submitted that the petitioner absented without any reasonable excuse and misused the concession of bail in case FIR No.110 dated 04.05.2015 registered against him. The petitioner is not entitled to grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State counsel has admitted that in compliance with order dated 03.09.2020 passed by Coordinate Bench

the petitioner has joined the investigation and his custodial interrogation is not required.

Keeping in view the facts and circumstances of the case, the cause of absence and the explanation furnished for absence of the petitioner in case FIR No.110 dated 04.05.2015 and the fact that custodial interrogation of the petitioner is not required in the present case, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves grant of anticipatory bail.

In view of the above, the petition is allowed and interim order dated 03.09.2020 granting interim anticipatory bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when again 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.

12.10.2020

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**

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