

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

207

CRM-M-28297-2020(O&M)

Date of Order:16.10.2020

DILSHAD

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manoj Kaushaik, 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 17.09.2020, the following order was passed:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.141, dated 19.08.2020, registered under Section 354-A/506 IPC, at Police Station Utawar, District Palwal.

In a nutshell, the case of the prosecution is that the petitioner caught hold of both the hands of the first informant and stated that now “you cannot go anywhere”.

Learned counsel for the petitioner contends that the offence under Section 354-A IPC is bailable. However, by a State amendment, the offence under Section 506 IPC has been made non-bailable. He further submits that the petitioner and the first informant are neighbors and there is a delay of 4 days in lodging of the FIR.

Notice of motion for 05.10.2020.

On the request of this court, Mr. Chetan Sharma, AAG, Haryana, accepts notice on behalf of the State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

On 05.10.2020, Investigating Officer informed the court that the petitioner has not come forward to join the investigation. Whereas learned counsel for the petitioner has contended that the Investigating Officer is not permitting the petitioner to join investigation, although, he has visited the Police Station on more than one occasion.

Keeping in view the aforesaid facts, the Superintendent of Police, Palwal, was requested to ensure that the petitioner is permitted to join the investigation.

Sh. Chetan Sharma, Assistant Advocate General, Haryana, on instructions from HC Virender Singh, has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

Keeping in view the aforesaid facts, the interim order dated 17.09.2020 passed by this Court, is made absolute.

Accordingly, the present petition is allowed.

October 16, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No