

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

CRM-M-37363-2019

Date of Decision: 20.01.2020

Arun Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Damodar Khurana, Advocate for
Mr. Nishant Raj Ghangas, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.136 dated 21.06.2018 under Sections 279 and 336 IPC, 1860 and Section 61 Punjab Excise Act, 2014, (Sections 420, 467, 468 and 471 IPC added later on), registered at Police Station Sadar Panipat, District Panipat. He apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 05.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor was present at the spot as he was already in custody in some other case. It is pointed out that the alleged recovery was effected on 21.06.2018 whereas the petitioner was in custody w.e.f 29.05.2018 to 12.08.2018.

Notice of motion for 20.01.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Srikrishan does not dispute this fact that the petitioner has joined the investigation, however, the prayer is opposed on the ground that the factum of his custody from 29.05.2018 to 12.08.2018 has not yet been verified.

Considering the nature of the offence and the fact that the petitioner has already joined the investigation and recovery already stands effected, this Court is of the considered opinion that the custodial interrogation of the petitioner may not be necessary at this stage.

The petition is allowed and the interim bail granted by this Court vide order dated 05.09.2019 is made absolute.

20.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No