

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41500-2019 (O&M)

Date of Decision: 18.02.2020

Kasam

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shiva Khurmi, Advocate for
Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Praveen Bhadu, DAG, Haryana.

Mr. Mohammad Arshad, Advocate
for the complainant.

...

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.211 dated 16.08.2019 under Sections 323/506/34 IPC, 1860 and Section 25 Arms Act, 1959, registered at Police Station Pinangwan, District Nuh (Mewat). He apprehended his arrest at the hands of Police in the above said FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 26.09.2019 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 offence punishable under Section 506 IPC alone is non-bailable in the present FIR. According to him, the cross version was also recorded at the instance of son of the petitioner through FIR No.213 dated 22.08.2019 registered under Sections 323 and 506 read with Section

34 IPC and Section 25 of Arms Act.

Notice of motion for 18.02.2020.

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 ASI Ravinder Singh does not dispute this fact that the petitioner has joined the investigation and states that he is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 26.09.2019 is made absolute.

18.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No