

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47802-2019

Date of Decision: 19.02.2020

Pawan @ Virender

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Daljeet Singh Virk, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Keshav Pratap Singh, 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.0394 dated 26.09.2019 under Sections 147, 149, 323, 380, 452 and 506 IPC, registered at Police Station Rania, District Sirsa. He apprehended his arrest at the hands of Police in the above said FIR.

Learned counsel for the petitioner prays for addition of Section 325 IPC in the head note as well as in the prayer clause of the petition as it was added subsequently and, therefore, was not mentioned at the time when the petition was filed. The prayer is not opposed by the learned State counsel, who states that the said offence was added on 04.10.2019.

The prayer is allowed.

The necessary change be reflected at appropriate places.

Learned counsel for the petitioner has invited the attention of

the Court to the order dated 19.11.2019 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 has placed reliance upon order dated 16.10.2019 (Annexure P-2) vide which co-accused Radhe Shyam has granted the benefit of interim bail.

Notice of motion for 19.02.2020.

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.

To be heard along with CRM-M-43829-2019.”

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 HC Sumit, has opposed the prayer on the ground that the mobile phones allegedly snatched from the complainant are to be recovered.

At this stage, learned counsel for the petitioner states that as per the allegations, the complainant had a previous dispute with the petitioner and it was not a case of snatching. He further states that learned State counsel is unable to give the details of the said phones, particularly the date

of snatching and whether the said phones are operational or not. However, it is not disputed that the petitioner has joined the investigation.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 19.11.2019 is made absolute.

19.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No