

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

205

CRM-M-48193-2019

Date of decision: 29.01.2020

Rohit Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kushagra Beniwal, Advocate for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.0870 dated 15.08.2019 registered under Section 174-A of the Indian Penal Code, 1860 at Police Station City Thanesar, District Kurukshetra.

While issuing notice of motion on 14.11.2019, this Court had granted the interim bail to the petitioner with direction to surrender before the trial Court.

Learned State counsel has appeared on behalf of the respondent-State and opposed the bail application.

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 the petitioner was declared proclaimed person in breach of the prescribed procedure. In compliance with the order dated 14.11.2019, the petitioner has surrendered before the trial Court. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State counsel, on instructions from Head

Constable Karamvir Singh No.795/KKR, Police Post Krishana Gate, Police Station City Thanesar, District Kurukshetra, has acknowledged that in compliance with order dated 14.11.2019 passed by this Court, the petitioner has surrendered before the trial Court and has filed copy of the order dated 19.11.2019 passed by Chief Judicial Magistrate, Kurukshetra which shows that the petitioner had appeared before the trial Court and had been released on interim bail on furnishing of bail bonds to his satisfaction.

Learned State counsel has submitted that the proceedings are pending at the stage of investigation and the petitioner has also joined the investigation and his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 14.11.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when 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.

29.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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