

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

204

**CRM-M-53529-2019
Date of decision: 13.02.2020**

Rajesh BabbarPetitioner
Versus
State of Haryana and anotherRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Tanu Bedi, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana
for respondent No.1.

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.1086 dated 22.11.2019 registered under Section 174-A of the Indian Penal Code, 1860 at Police Station Panipat City, District Panipat.

While issuing notice of motion on 16.12.2019, this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

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

As per office report, notice issued to respondent No.2 was served through wife but none has put in appearance on behalf of respondent No.2.

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 under the impression that the complaint would be

withdrawn as the matter had been compromised between the parties. The complainant had in fact preferred two complaints one of which was withdrawn and other one was pending and on his non-appearance his bail was cancelled and subsequently he was declared proclaimed person. The absence of the petitioner was not deliberate/intentional. The petitioner has joined the investigation and his custodial interrogation is not required.

Learned State counsel, on instructions from the investigating officer, has acknowledged that in compliance with order dated 16.12.2019 passed by this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner 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 16.12.2019 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.

13.02.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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