

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

201

**CRM-M-3750 of 2021
Date of Decision: 19.03.2021**

Kirori Mal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rahul Jaswal, Advocate,
for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 28.01.2021, the following order had been passed:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.408, dated 13.07.2020, having been registered at Police Station Samalkha, District Panipat, alleging therein the commission of offences punishable under Sections 323, 380, 457, 506 and 511 of the IPC read with Section 34 thereof.

Learned counsel for the petitioner submits that even the complainant in the FIR has executed an affidavit (copy Annexure P-2), dated 25.12.2020, stating to the effect that the petitioner, Kirori Mal, was not one of the assailants who had attacked him and that he would recognize the assailants upon them being produced before him.

Notice of motion.

Mr. B. S. Virk, learned DAG, Haryana, accepts notice at the asking of the court.

A copy of the petition be e-mailed to learned State counsel today itself by the counsel for the petitioner.

In the aforesaid circumstances, the petitioner is directed to join investigation and upon him so joining if he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall, further, abide by all the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Adjourned to 19.03.2021.”

Today learned State counsel, on instructions from ASI Pardeep Kumar, submits that the petitioner has joined investigation and presently his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, this petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

March 19, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No