

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

212 (2)

CRM-M-8664-2021

Date of decision: 12.08.2021

SANJAY NARANG

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. K.S. Riar, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 74 dated 03.02.2021 registered under Sections 323 and 452 read with Section 34 of the Indian Penal Code, 1860 at Police Station, Sirsa City, Sirsa.

Vide order dated 24.02.2021 the Co-ordinate Bench of this Court had, while issuing notice of motion, granted interim anticipatory bail to the petitioner with direction to join the investigation and relevant part of the above said order reads as under:

“Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter-alia arguing that the petitioner has been falsely implicated in the present case and he is ready and willing to join the investigation.

Notice of motion.

Mr. P. P. Chahar, DAG, Haryana appearing through the medium of video conferencing accepts notice on behalf of the respondent State and seeks time to file reply.

Mr. H.N. Mehtani, Advocate appearing through the medium of video conferencing accepts notice on behalf of the complainant.

Adjourned to 12.08.2021.

Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Aryan Chaudhary, HPS, Deputy Superintendent of Police, HQ, Sirsa on behalf of respondent-State in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made earlier, submitted that in compliance with order dated 24.02.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from HC Satbir Singh, acknowledged that in compliance with order dated 24.02.2021 passed by Co-ordinate Bench of this Court, the petitioner

has joined the investigation and that his custodial interrogation is not required in the present case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 24.02.2021 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.

12.08.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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