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

CRM-M-8777-2020

Date of decision-26.07.2021

RAJESH SHARMA**...Petitioner****Vs.****STATE OF HARYANA****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Munish Gupta, Advocate
for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.78 dated 14.02.2020 under Sections 323 & 506 of Indian Penal Code, 1860, registered at Police Station Farakpur, District Yamuna Nagar. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 28.02.2020, whereby while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Through instant petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to petitioner –Rajesh Sharma – in case FIR No.78 dated 14.02.2020 registered under Sections 323 and 506 IPC at Police Station Farakpur, District Yamuna Nagar.

According to prosecution, petitioner in the evening of 24.01.2020 gave beatings to uncle of the complainant, namely, Ram Parkash and tried to strangulate him, besides threatening with dire consequences, when Ram Parkash asked him to lift construction material put by the petitioner in the street, causing obstruction to ingress and egress.

Notice of motion for 19.05.2020.

Meanwhile, petitioner – Rajesh Sharma – is directed to join investigation and remain present as and when called for and in the event of arrest, he 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.”

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 ASI Parvinder Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 28.02.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

26.07.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No