

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.208

CRM-M-14744-2021

Date of decision: 03.11.2021

Sinder Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr. Rahul Mohan, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.963 dated 29.12.2020 under Sections 147/149/323/367/506 and 120-B IPC at Police Station Bhiwani Sadar, District Bhiwani.

The petitioner is being prosecuted for having kidnapped the complainant and then giving him beatings.

On 01.04.2021, after noting that the petitioner was not named in the FIR; his name came for the first time in a disclosure statement of co-accused Sonu; such disclosure statement had been made by Sonu in police custody; no overt act was attributed to the petitioner; the FIR in question had been registered after a delay of 12 hours and that offence under Section 365 IPC has been deleted with addition of Section 367 IPC, this Court had issued notice and stayed the petitioner's arrest.

Thereafter on July 05, 2021, this Court passed the following order:-

“The case has been taken up for hearing through video-conferencing.

Notice of motion was issued on 01.04.2021 on the ground that the name of the petitioner came to be disclosed in the disclosure statement of co-accused Sonu. No overt-act has been attributed to the petitioner. The offence under Section 365 IPC has been replaced by Section 367 IPC. The victim was released after the alleged occurrence. The

arrest of the petitioner was stayed

In view of aforesaid facts, it would be just and appropriate to direct the petitioner to appear before the SHO/Investigating Officer to join investigation on 12.07.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on the merits on the adjourned date.

Adjourned to 20.09.2021.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined the investigation; co-operated with the investigating agency and that his custodial interrogation is not required by the State.

In view of the above, the interim order of this Court dated 05.07.2021, granting ad interim anticipatory bail to the petitioner is made absolute.

November 03, 2021

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No