

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202

CRM-M-23714-2021 (O&M)

Date of Decision: 23.09.2021

Hanuman

... Petitioner

VS.

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

This Court on dated 14.07.2021, while granting interim bail to the petitioner, had passed the following order:-

“Petitioner-Hanuman, stated to be aged 25 years, has filed the present petition inter alia with a prayer for grant of anticipatory bail to him in case FIR No.325 dated 27.12.2020, registered under Sections 392 IPC (Section 120-B IPC added subsequently) at Police Station City Ratia, District Fatehabad.

Learned counsel submits that the petitioner's name has cropped up only during investigation of one co-accused Mandeep. He further submits that there is delay of 4 days in the lodging of the present FIR on 27.12.2020 as the alleged incident is stated to have occurred on 23.12.2020. Counsel for the petitioner seeks parity on the ground that the co-accused in the same case i.e. Siya Ram (CRM-M-23067-2021) and Vinay @ Avin @ Binni (CRM-M-22409-2021) have already been granted the concession of interim bail vide orders dated 15.06.2021 (P2) and 07.06.2021 (P3).

Notice of motion.

On asking of the Court, Mr. Rohit Arya, DAG Haryana accepts notice on behalf of the State.

Learned State counsel has vehemently opposed the bail application on merits but is not able to deny the factual position. He submits that the petitioner was specifically named in the FIR.

At this stage, learned counsel for the petitioner submits that because of COVID-19 situation, retention of the petitioner behind bars would be dangerous to his life.

Without commenting upon merits of the case and in view of the peculiar facts and circumstances of the present case and also keeping in view of the present COVID situation, this Court deems it appropriate to direct the petitioner to appear before the Investigating Officer to join investigation.

List on 21.09.2021.

Meanwhile, in the event of arrest, the petitioner shall be released on interim bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer. The petitioner shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Today on the resumed hearing of the case, learned State counsel on instructions from ASI Richpal Singh, submits that the petitioner has joined investigation. It is further submitted that custodial interrogation of the petitioner is no more required.

In view of the above, the petition is **allowed**. The order dated 14.07.2021, granting interim anticipatory bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions envisaged under Section 438(2) Cr.P.C.

Ordered accordingly.

23.09.2021
Shruti

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No