

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212

CRM-M No.26731 of 2021  
Date of Decision: 15.11.2021

Ashraf

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Sarfraj Hussain, Advocate,  
for the petitioner.

Mr. Bhupinder Singh, DAG, Haryana.

Mr. Gopal Soni, Advocate.  
for Mr. Akshay Jindal, Advocate,  
for the complainant.

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**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.39 dated 11.02.2021, under Sections 148, 149, 323, 506, (307 added later on) of IPC, 1860, registered at Police Station Punhana, District Nuh, Haryana. The petitioner apprehended his arrest at the hands of police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 13.07.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner.

The said order reads as under:-

*“Learned counsel contends that the alleged*

*occurrence took place in January, 2021 and the FIR was lodged after a long delay on 11.02.2021 for the offences punishable under Sections 148, 149, 323, 506 and 379-A IPC and the accused-petitioner was granted the concession of bail. According to him, later on, the offence punishable under Section 379- A IPC was deleted and the offence under Section 307 IPC was added, therefore, this has given rise to the apprehension of arrest. Learned counsel has pointed out that in the given facts, the custodial interrogation of the petitioner may not be necessary.*

*Notice of motion for 15.11.2021.*

*Mr. Talim Hussain, Advocate appears on behalf of the complainant.*

*Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner 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 PSI Sumit, does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions, further states that the petitioner 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 13.07.2021 is made absolute.

15.11.2021  
manju

(MANOJ BAJAJ)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |