

210 (2)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26736-2021

Date of decision-30.11.2021

KRISHAN @ SETHA

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pawan Kumar Hooda Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, 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.400 dated 07.09.2020, under Sections 307, 120-B & 34 Indian Penal Code, 1860 and Section 25 (1-B) (a) Arms Act, registered at Police Station Palam Vihar, District Gurugram. 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 13.07.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that as per allegations, the injury inviting the offence punishable under Section 307 IPC is attributed to co-accused,

who fired gunshot upon the victim and petitioner was indicted as an accused on the basis of criminal conspiracy punishable under Section 120-B IPC. Learned counsel has drawn the attention of the Court to the order dated 03.06.2021 (Annexure P-7) and submitted that similarly situated co-accused has already been granted the concession of interim pre arrest bail.

Notice of motion for 22.07.2021.

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.

To be heard along with CRM-M-22096-2021.”

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 SI Sulinder 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 13.07.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

30.11.2021

Vipin kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No