

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-27416-2021

Date of decision: 12.11.2021

Subhash Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gurdarshan S. Sidhu, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Subham, Advocate for
Mr. Jasinder Singh Thind, Advocate
for the complainant.

...

SUVIR SEHGAL, J. (Oral)

While granting interim protection to the petitioner, this Court
passed the following order in the main case on 05.08.2021:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.14 dated 29.01.2021, registered for offences under Sections 323, 452, 506, 379, 379-B and 34 of the Indian Penal Code, 1860, at Police Station Ding, District Sirsa (Annexure P-1).

Counsel for the petitioner has contended that there is a delay of two days in registration of the FIR and initially FIR was registered under Sections 323, 379, 452 and 506 of the Indian Penal Code, 1860. He submits that the allegation of theft of Rs.2700/- was levelled as an after thought to increase the gravity of the offence. It is his argument that the petitioner is a former employee of Godara Wine Group and the dispute had taken place between him and his former colleague, who lodged the FIR. By referring to para 11 of the amended petition,

counsel submits that the petitioner has been named as an accused in FIR No.89 dated 06.07.2019, registered for offences under Sections 323, 34 and 452 of the Indian Penal Code, 1860 at Police Station Ding, but he is on bail in the said case.

Notice of motion.

On asking of the Court, Mr. Kuldeep Tiwari, Additional Advocate General, Haryana, who is assisted by Ms. Rupinder Kaur Thind, Advocate for the complainant, accept notice on behalf of respondent-State and complainant respectively.

List on 12.11.2021.

Meanwhile, the petitioner shall join the investigation and would come 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. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, upon instructions, from Inspector, Kashmiri Lal submits that the petitioner has joined the investigation, recoveries have been effected from him and he is no longer required for custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 05.08.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

12.11.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No