

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(220)

CRM-M-23612-2020

Date of Decision : August 25, 2021

Jatin

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anuj Arya, Advocate, for the petitioner.

Mr. Karan Garg, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 60 dated 07.02.2020 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, at Police Station City DLF, Section 29, District Gurugram.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court dated 20.08.2020. Order dated 20.08.2020 is as under:-

“Petitioner-Jatin, stated to be aged 26 years, has filed the present petition under Section 438 Cr.P.C. inter alia with a prayer for grant of anticipatory bail in case FIR No.60 dated 07.02.2020, registered under Sections 420, 467, 468, 471 & 120-B of Indian Penal Code, at Police Station City DLF, Sector 29, District Gurugram.

Learned Counsel for the petitioner submits that the petitioner was not named in the FIR and he was subsequently named on the basis of alleged disclosure statement. He then submits that co-accused/Sumit Kumar, Pawan, Dalip and Vijay, have been granted regular bail by this Court (orders are annexed as Annexure P-2).

Notice of motion.

On asking of the Court, Mr. Rajiv Goel, DAG, Haryana, accepts notice on behalf of the State.

On instructions from ASI Vivek Kumar, learned State counsel does not dispute the fact that co-accused have been granted bail by this Court, however, he opposes the concession of bail.

Counsel for the petitioner submits that the petitioner is ready to join the investigation. He submits that because of COVID situation also, retention of the petitioner in jail would be dangerous to his life.

Adjourned to 05.11.2020.

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

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 he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C. ”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from Sub Inspector Suresh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 20.08.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 25, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No