

CRM-M No.29112 of 2021

Date of Decision : 27.10.2021

Sandeep

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Vikas Kumar Dhaliwal, Advocate for the petitioner.
Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.177 dated 06.04.2015, registered under Sections 420, 467, 468, 471 and 120-B IPC and Section 25 Arms Act, 1959 at Police Station DadriSadar, District Bhiwani.
3. On 24.09.2021, the following order was passed:-

“Learned counsel for the petitioner states that the petitioner was granted ad interim pre-arrest bail by the learned Additional Sessions Judge, Charkhi Dadri vide order dated 12.04.2021 i.e. Annexure P/5 by taking into account that nothing had been recovered from the petitioner, that co-accused Sonu and Sanjeev had already been granted bail by the learned Additional Sessions Judge, Charkhi Dadri, besides, the petitioner was ready and willing to join investigation and fully co-operate in the same, but the petition for pre-arrest bail was withdrawn on 22.04.2021 on failure of the petitioner to

join investigation. Learned counsel contends that the same was due to circumstances beyond his control but the petitioner is ready and willing to join investigation and fully co-operate in the same, if one opportunity is granted to him, besides, no part of the cause of action leading to registration of FIR occurred within the jurisdiction of the State of Haryana.

Per contra, learned State counsel on instructions from SI Surender confirms that the petitioner was granted interim bail by the learned Additional Sessions Judge, Charkhi Dadri but the petition for anticipatory bail was dismissed as withdrawn on failure of the petitioner to join investigation and that similar situated co-accused Sonu, Sanjeev and Ravinder have been granted bail by the learned Additional Sessions Judge, Charkhi Dadri and the said order has not been challenged by the State of Haryana before this Court.

In the light of the position noted above, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated. It is, however, made clear that in case any incriminating material comes to the notice of the Investigating Officer on the petitioner joining investigation, the respondent/State would be at liberty to file an appropriate application seeking the custody of the petitioner in case the same is required.

Adjourned to 27.10.2021.”

4. Today, learned counsel for the petitioner contends while learned State counsel, on instructions from *SI Surinder*, confirms that pursuant to the order of this Court dated 24.09.2021, the petitioner joined investigation, cooperated in the same, was released on ad-interim pre-arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State Counsel, order dated 24.09.2021, passed by this Court, is made absolute. The petitioner shall abide by the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

6. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

27.10.2021

'Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>