

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**201**

**CRM-M-24459-2020**

**Date of decision: 22.02.2021**

Sunil

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Vishal Garg Narwana, Advocate  
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana  
for respondent No.1-State.

Respondent No.2-complainant did not appear  
despite service.

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**ARUN KUMAR TYAGI, J. (ORAL)**

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.278 dated 01.08.2020 registered under Sections 195-A, 506 and 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Rewari City, District Rewari.

Vide order dated 21.12.2020 this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

*"Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case though he has not committed any offence whatsoever as alleged. The FIR was lodged with delay of one day. The above said FIR was registered at the instance of Naresh Saini. A bare reading of the FIR makes it clear that the allegations levelled in the FIR are vague and baseless and offence under Section 195-A of the IPC is not thereby*

*made out against the petitioner. The petitioner has no link with the complainant/respondent No.2 or with the persons against whom respondent No.2 got lodged the FIR of beating and snatching of mobile keys. Inspector Vidyasagar, CIA staff has got the false FIR registered against him by using his influence to exert pressure on him to withdraw the complaint/representation made by him against the CIA officials. The petitioner is ready to join the investigation and his custodial interrogation would not be necessary in the case.*

*Status report by way of affidavit of Mohd. Jamal, HPS, Deputy Superintendent of Police, Rewari on behalf of respondent No.1-State has already been filed.*

*Mr. Japjit Singh Johal, Advocate has appeared for respondent No.2/complainant and he undertakes to file his power of attorney in the Registry.*

*Learned counsel for the complainant has submitted that the complainant has no objection to grant of anticipatory bail to the petitioner.*

*Learned State counsel has submitted that the petitioner is a habitual offender and is involved in 23 other cases and does not deserve grant of anticipatory bail. However, learned State counsel seeks time to file copies of the relevant documents.*

*Adjourned to 22.02.2021.*

*In the meanwhile, in view of the facts and circumstances of the case, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) (i) to (iii) of the Cr.P.C. In view of Section 438(2)(iv) read with Section 437(3)(b) of the Cr.P.C. interim anticipatory bail granted to the petitioner shall also be subject to the condition that he shall not commit any similar offence under the IPC after his release on interim anticipatory bail. In case of non-compliance of the above-said conditions, the petitioner shall not be entitled to the protection of interim anticipatory bail allowed to him."*

The petition has been opposed by the learned State Counsel in terms of status report filed by way of affidavit of Mohd. Jamal, HPS, Deputy Superintendent of Police, Rewari on behalf of respondent No.1-State.

The petition has also been opposed by respondent No.2-complainant in terms of his affidavit. However, none has appeared for respondent No.2-complainant today.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made earlier, submitted that in compliance with order dated 21.12.2020, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Satish, acknowledged that in compliance with order dated 21.12.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of

anticipatory bail.

In view of the above, the petition is allowed and order dated 21.12.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

**22.02.2021**

Vinay

**(ARUN KUMAR TYAGI)**  
**JUDGE**

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