

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31956-2021(O&M)

Date of Decision: 02.09.2021

Kasim

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Inderjeet Singh, Advocate
for the petitioner.

Mr. Gaurav Bansal, A.A.G., Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail to the petitioner in respect of FIR
No.113 dated 29.07.2020 registered under Sections 279, 336, 307, 427
IPC (Section 34 IPC added later on) at Police Station Pratap Nagar,
District Yamuna Nagar.

Learned counsel for the petitioner contends that the
petitioner has joined investigation in terms of order passed by this Court
dated 10.08.2021. Order dated 10.08.2021 is as under:-

*“Learned counsel for the petitioner argues that the
petitioner has wrongly been roped in the present FIR and the
petitioner was only sitting as a passenger in the car, which
allegedly hit the vehicle of the police officials and no injury
has been caused to anyone in this case. Learned counsel for*

the petitioner submits that the petitioner is ready to join and cooperate in the investigation, hence, the petitioner be granted the benefit of anticipatory bail especially, in view the fact that the main accused namely, Isran, who was driving the vehicle, has already been granted the benefit of regular bail vide order dated 22.03.2021 (Annexure P/2).

Notice of motion for 02.09.2021.

Mr. Gaurav Bansal, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that there are two other FIRs pending against the petitioner and the petitioner seems to be a habitual offender and, therefore, the concession of anticipatory bail as being prayed by the petitioner may be declined.

Learned counsel for the petitioner submits that in the other two cases, which are stated to be pending against the petitioner, in one case, the petitioner has already been acquitted and in another case quashing petition is already pending before this Court.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, no recovery is to be effected from the petitioner and the petitioner admittedly was sitting on the passenger seat and the main accused namely, Isran, has already been granted the benefit of regular bail, the interest of justice will be served, if, the petitioner is directed to join and cooperate in the investigation.

Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in the investigation.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on

interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That he shall make himself available for interrogation by the police officer as and when required.*
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.*
- (iii) That he shall not leave India without prior permission of the Court.*
- (iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”*

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Shamsher Singh, states that in terms of the order of the 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 10.08.2021 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.

02.09.2021
ps-I

(HARSIMRAN SINGH SETHI)
JUDGE

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