

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM No. M-33682 of 2021
Date of Decision : 12.11.2021

Raju

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Kashish Garg, Advocate for
Mr. J.K. Singla, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 273, dated 19.07.2021, registered under Sections 457, 380 IPC, at Police Station Rania, District Sirsa.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 19.08.2021 passed by this Court. Order dated 19.08.2021 is as under:-

“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. 273, dated 19.07.2021, registered under Sections 457, 380 IPC, at Police Station Rania, District Sirsa.

Learned counsel for the petitioner argues that the petitioner has been roped in the present case only on the basis of disclosure statement of a co-accused. Learned counsel for

the petitioner submits that the CCTV footage of the incident is already with the police and petitioner is not visible in the said footage to claim that he was present at the site where the incident took place. Learned counsel further submits that the petitioner is willing to join the investigation and cooperate with the same.

Notice of motion.

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

Learned counsel for the respondent-State submits that petitioner has been nominated by the co-accused, who were arrested on the basis of the available CCTV footage. Learned State counsel further submits that petitioner is also involved in another case of similar nature and, therefore, the custodial interrogation of the petitioner is necessary.

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

As the petitioner has not been named in the FIR and the petitioner has been roped in the present case only on the basis of statement of co-accused and the CCTV footage is not so clear to point out the presence of the petitioner at the site at the time of incident, the purpose of investigation will be achieved in case, the petitioner is directed to join the investigation and cooperate with the same.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

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 his/her

satisfaction 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.*

Adjourned to 12.11.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel on instructions from SI Ram Niwas states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 19.08.2021 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 12, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*