

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-39190 of 2021

Date of Decision : 12.11.2021

Jag Mohan

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ajay Kripal Singh, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 502 dated 21.08.2021 registered under Sections 427 & 447 (Sections 147, 149, 379 and 506 added later on) of the IPC at Police Station Sadar Bhiwani, District Bhiwani.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 21.09.2021 passed by this Court. Order dated 21.09.2021 is as under:-

“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.502 dated 21.08.2021 registered under Sections 427 & 447 (Sections 147, 149, 379 and 506 added later on) of the IPC at Police Station Sadar Bhiwani, District Bhiwani.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR and he was only roped in

the present FIR on the basis of the disclosure statement of a co-accused namely, Sandeep who, according to the allegations alleged in the FIR, was present at the site on the day of the incident and was using heavy machinery to uproot the trees standing on the land concerned alleged to have been sold later on. Learned counsel for the petitioner submits that even in the CCTV footage, which has been taken by the Investigating Agency only JCB, tractor and dumper have been shown and CCTV footage failed to prove presence of the petitioner on the place of occurrence. Learned counsel for the petitioner further submits that the petitioner is not only ready to join and cooperate in investigation but, is also ready to hand over the heavy machinery, which is sought to be recovered in the present case.

Notice of motion for 12.10.2021.

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 the allegations alleged against the petitioner are very serious in nature as the petitioner helped the other co-accused in uprooting the trees from the land and, thereafter, selling the same hence, the custodial interrogation of the petitioner is also necessary to recover the JCB, tractor and dumper being partner of the said co-accused, Sandeep, who used the same for uprooting the trees from the land concerned.

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

Once, the petitioner was not named in the FIR and is also not visible in the CCTV footage and the learned counsel for the petitioner has undertaken before this Court that the petitioner will not only join the investigation but, will also

cooperate so as to recover the JCB, tractor and dumper used by the co-accused for uprooting the trees, the petitioner has made out a case for the grant of benefit of anticipatory bail.

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 on instructions from ASI Joginder 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 21.09.2021 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