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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.40936 of 2021
Date of Decision : 10.12.2021

Subham

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ram Karan Agnihotri, Advocate
for the petitioner.

Mr. Karan Garg AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.624, dated 13.09.2021, under Section 451 of IPC (Section 457 of IPC added later on), registered at Police Station Indri, District Karnal.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 30.09.2021. Order dated 30.09.2021 is as under:-

> "*Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 624 dated 13.09.2021, registered under Section 451 IPC (Section 457 IPC added later on) at Police Station Indri, District Karnal.*
>
> *Learned counsel for the petitioner argues that only allegation alleged against the petitioner is that he entered the premises of the complainant on the intervening night of 12/13.09.2021 and thereafter, escaped after scaling the wall*

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of the house, when complainant noticed the presence of the petitioner. Learned counsel for the petitioner submits that the said allegations are yet to be proved during the trial and there is no injury attributed to the petitioner inflicted upon anyone hence, as the petitioner is ready to join the investigation and cooperate, he be extended the benefit of anticipatory bail.

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 State counsel submits that the presence of the petitioner was noticed in the room but before he could commit any dangerous act, he escaped upon being noticed but entering somebody else's premises at night shows the intention of the petitioner and, therefore, the custodial interrogation of the petitioner is necessary to find out as to for what purpose, he had entered the premises of the complainant.

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

Once, the only allegation against the petitioner is that he entered the premises of the complainant on the intervening night of 12/13.09.2021 and thereafter on being noticed, ran away and there is no injury attributed to anyone at the hands of the petitioner, purpose of investigation will be achieved in case petitioner is directed to join the investigation and cooperate.

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.

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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 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 10.12.2021.

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, who has also joined the proceedings through video conference, on instructions from HC Jitender, Police Station Indri, Karnal, states that in terms of the order of this 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 30.09.2021 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.

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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.

December 10, 2021 **(HARSIMRAN SINGH SETHI)**
rittu **JUDGE**

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

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