

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40441-2020

Date of decision-03.12.2021

Anil Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sushil Sheoran, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.811 dated 08.11.2020 under Sections 307, 341, 435, 427 and 34 Indian Penal Code, 1860 and Section 25 Arms Act, 1959 registered at Police Station Rohtak City, District Rohtak. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 04.12.2020, whereby notice of motion was issued and arrest of the petitioner was stayed. The said order reads as under:-

“The case has been taken up for hearing through video-conferencing. Learned counsel for the petitioner contends that the alleged occurrence took place in two parts. The first occurrence took place at about 11.00 PM at Ramesh Dhabha. Some altercation took place between the complainant party and the petitioner party. Complainant party gave slaps and beatings to the petitioner party. The petitioner party left the dhaba in their vehicle. The entire incident was captured in CCTV footage (Annexure P-2). At about 12.30 am, the second occurrence took place in which Govind and Afzal, friends of the petitioner, received grievous injuries on their person. No injury was received by the complainant party. Notice of motion for 08.02.2021. Till the next date of hearing, arrest of the petitioner shall remain stayed.”

Later on, on vide order dated 15.09.2021, the interim protection

was granted to the petitioner and following order was passed:-

“Reply filed by the State is taken on record.

Notice of motion was issued on 04.12.2020 and arrest of the petitioner was stayed.

For the reasons recorded in the order dated 04.12.2020, it would be just and appropriate to direct the petitioner to appear before the SHO/Investigating Officer to join investigation on 22.09.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.

List on 03.12.2021.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Subhash does not dispute this fact that the petitioner has joined the investigation. He further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 15.09.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

03.12.2021

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No