

CRM-M-46373-2021

Date of Decision : 07.12.2021

BHUPENDER

...Petitioner

Versus

STATE OF HARYANA

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Ramender Chauhan, Advocate for the petitioner.
Mr. Tapan Kumar, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. On 03.11.2021, the following order was passed:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the second petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner (the earlier one having been withdrawn vide order dated 27.10.2021 with liberty to file a fresh petition with better particulars) in case FIR No. 122 dated 31.07.2021 registered under Sections 323, 452, 506 and 34 IPC 1860 at Police Station Loharu, District Bhiwani.

Learned counsel for the petitioner contends that all the offences are bailable except Sections 452 and 506 IPC but no case is made out so as to attract Sections 452 IPC since the house in question where the petitioner is alleged to have attacked the complainant, neither belongs to the complainant nor the complainant was in possession of the said house. Likewise the applicability of Section 506 is also debatable.

Notice of motion.

Mr. Tapan Kumar, learned DAG, Haryana accepts notice and states that the petitioner may be directed to join investigation and fully co-operate in the same.

Accordingly, in view of the position noted above as well as the statement of learned State counsel, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.

Adjourned to 07.12.2021”.

3. Today, learned counsel for the petitioner contends while learned State counsel on instructions from HC Jatinder confirms that pursuant to the order of this Court dated 03.11.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 03.11.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions contained in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

5. Petition stands *disposed of* in the aforementioned terms.

07.12.2021
ps

(B.S. Walia)
Judge