

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43360-2020

DATE OF DECISION: MARCH 16, 2021

KRISHAN KUMAR & ANOTHER ...PETITIONERS

VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. SHALINI ATTRI, ADVOCATE FOR THE PETITIONERS.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.206 dated 24.7.2020, under Section 148, 149, 376-D, 380, 427, 452, 323 IPC (Section 454 IPC added later on), Police Station Kalayat, District Kaithal. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 13.1.2021, whereby the interim protection was extended to the petitioners. The said order reads as under:-

“Heard.

Learned counsel for the petitioners contends that Ruma daughter of Ishwar had given a complaint against Anil son of Balmat and Amit son of Sanjay, who had committed immoral act with the complainant. Learned counsel further states that in retaliation, the wife of Balmat has lodged this present FIR against the relatives of Ruma and the allegations are highly improbable.

Learned State counsel has referred to the reply

dated 09.01.2021 and submits that on the allegations levelled by Ruma, a case FIR No.207 dated 24.07.2020, under Sections 148, 149, 354, 380, 427, 436, 452 and 454 IPC, Police Station, Kalayat was registered and both the accused were arrested, who are on bail.

Adjourned to 16.03.2021.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners 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 Kuldeep does not dispute this fact that the petitioners have joined the investigation and they are 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 13.1.2021 is made absolute.

March 16, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No