

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-42814 of 2020
Date of decision:24.08.2021

Tarun

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

On 18.12.2020, the following order was passed:-

“This is a petition that has been filed for grant of anticipatory bail to the petitioner in the FIR No. 430 dated 23.10.2020 under Sections 379, 411 IPC registered at Police Station Faridabad Kotwali, District Faridabad, Haryana.

Learned counsel for the petitioner would inter-alia contend that the petitioner has been nominated as an accused on the basis of a disclosure statement of the main accused Pinku, who is already on regular bail while further contending that the

motor cycle used in the occurrence has already been recovered by the police and therefore, he would no more be required for any custodial interrogation.

Notice of motion for 05.05.2021.

Ms. Deepshikha Chauhan, AAG, Haryana appearing through the medium of video conferencing accepts notice on behalf of the respondent-State. She opposes the grant of bail on the ground that there are call records available with the police that would establish the nexus between the main accused Pinku and the petitioner herein.

In the meanwhile, the petitioner is directed to join the investigation within a period of one week and in the event of his arrest, the petitioner be released on interim bail, subject to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Reply by way of an affidavit of Assistant Commissioner of Police, NIT Faridabad has been filed on behalf of the respondent-State. Same is taken on record.

Though in para 6 of the preliminary submissions of the reply filed on behalf of the respondent-State, it has been submitted that the petitioner did not cooperate with the police in investigation and did not disclose about the whereabouts of co-accused, but upon specific instructions

from Head Constable Ravinder, State counsel submits that the petitioner has joined the investigation and is no longer required for custodial interrogation. Upon further instructions, he submits that the petitioner is not involved in any other criminal case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 18.12.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

August 24, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No