

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

214/2

**CRM-M-41159 of 2019
Date of Decision:06.07.2021**

Nikhil

..... Petitioner

Versus

State of Haryana

..... Respondent

2)

CRM-M-1344 of 2020

Nikhil

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana

Mr. Yashveer Kharb, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

CRM-M-41159 of 2019

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.610, dated 15.08.2019, having been registered at Police Station Model Town, Panipat, alleging therein the commission of offences punishable under Sections 148, 149, 323, 506 of the IPC (with Section 307 of the IPC added later).

The petitioner having been ordered to be admitted to interim bail vide

an order passed on 25.09.2019, today learned State counsel, on instructions, submits that the petitioner having joined investigation, his custodial interrogation is not required.

That being so, this petition has been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Though Mr. Kharb, learned counsel for the complainant, opposes disposal of this petition, it is to be noticed that as per the judgment of the Supreme Court in M.C. Abraham v. State of Maharashtra (2003)2 SCC 649, once the investigating agency itself states before the court that it does not require the custodial interrogation of a particular accused, this court would not normally direct the arrest of the accused (unless there are very special circumstances for the same).

Consequently, that contention is rejected.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

CRM-M-1344 of 2020

The aforesaid order having been passed in this petition, Mr. Keshav Pratap Singh submits that the petitioner has also filed CRM-M-1344 of 2020, seeking directions for a fair investigation and since learned State counsel has also submitted that the investigation is now complete, he would like to withdraw that petition.

Though CRM-M-1344 of 2020 is not listed today, it is ordered to be dismissed having been withdrawn, on the aforesaid statement of learned counsel.

Naturally, it need not be listed on the date fixed in that petition.

A photocopy of this order be also placed on the file of the other connected case.

July 06, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No