

105.

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

CRM-M-53889-2021

Date of Decision: 22.12.2021

TARIK ANWAR

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Rosi, Advocate, for
Mr. Ved Parkash, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0288, dated 28.07.2021, registered under Section 506 of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984 at Police Station Chandimandir, District Panchkula.

Counsel for the petitioner would contend that the petitioner had approached the Additional Sessions Judge, Panchkula for grant of anticipatory bail, which was disposed of on 15.09.2021, however, despite the said order, has not been allowed to join investigation.

Notice of motion.

At this stage, Mr. Kuldeep Tiwari, Additional Advocate General, Haryana, who is present in the Court and accepts notice on behalf of the respondent-State. He would point out that as per Annexure P-4, dated

15.09.2021, the order as relied upon by the counsel for the petitioner, there is a categorical statement given in Court by SI Raj Kumar that action shall be taken against the accused, namely, the petitioner herein as per the guidelines laid down by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Versus State of Bihar-(2014) 8 SCC 273*** and that his arrest, if required, would be made with prior permission of the learned Area Magistrate. He would submit that in view of the said statement having been made, this petition itself would not be maintainable.

I have heard learned counsel for the parties and have perused the order dated 15.09.2021.

In view of the categorical statement that has been given by SI Raj Kumar that there would be compliance of the guidelines as laid down by the Hon'ble Supreme Court in ***Arnesh Kumar's case (supra)***, no further orders are called for. However, the State would be bound by the statement made.

Petition stands disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

22.12.2021

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No