

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-51221-2019 (O&M)
Date of Decision:- 28.7.2021

Vishal @ Vishu

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Singh, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Satnam Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.113, dated 07.09.2019, registered under Sections 323, 341, 506, 34 IPC, Police Station Jathlana, District Yamuna Nagar, on account of the fact that Section 307 IPC came to be added later on.
2. At the time of issuance of notice of motion on 2.12.2019 the following order was passed:

“Petitioner prays for grant of pre-arrest bail in a criminal case arising out from FIR No. 113, dated 07.09.2019, registered under Sections 323/341/506/34 IPC, Section 307 IPC added later on, at Police Station Jathlana, District Yamuna Nagar. Learned counsel for the petitioner contends that the petitioner was granted

bail by the trial court on 19.09.2019 and recovery of the alleged weapon of offence was also made. He submits that now subsequently offence under Section 307 Cr.P.C. has been added and the petitioner is sought to be arrested. Learned counsel inter-alia contends that without seeking permission of the court which granted the petitioner concession of regular bail is not permissible, the petitioner cannot be arrested.

Notice of motion for 07.01.2020.

On asking of the Court, Mr. Manish Bansal, DAG, Haryana, accepts notice on behalf of the State. A copy of the petition be handed over to Mr. Manish Bansal, DAG, Haryana, during the course of the day.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner submits that pursuant to the interim directions, he has joined investigation and in fact the alleged weapon of offence has also been recovered.
4. On the other hand learned State counsel, upon instructions from SI Satnam Singh, has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. Learned State counsel has however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined

investigation and has also got the weapon of offence recovered and he is not wanted in any other case.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was earlier on bail before Section 307 IPC came to be added and there is nothing on record to suggest that he has ever misused the concession of bail and while also noticing that pursuant to interim directions, the petitioner has not only joined investigation but also got the weapon of offence recovered, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 2.12.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

28.7.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No