

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51368 of 2019 (O&M)
Date of decision 29.10.2021

Robbin Vijeshwar and others

Petitioners

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gautam Dutt, Advocate for the petitioners.
Ms. Dimple Jain, AAG, Haryana.
Mr. Gunjan Mehta, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 686 dated 17.9.2018, under Sections 406 and 420 IPC, registered at Police Station DLF, District Gurugram.

On 3.12.2019, this Court passed the following order:

“Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for grant of anticipatory bail to the petitioners in case FIR No.0686 dated 17.09.2018 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station DLF, District Gurugram.

*Learned Counsel for the petitioners has submitted that pursuant to registration of FIR, the police investigated the case and joined the petitioners in investigation and on completion of investigation submitted report under Section 173(2) of the Cr.P.C. while mentioning that in view of the observations made in **Arnesh Kumar Vs. State of Bihar : 2014(3) RCR***

(Criminal) 527, the petitioners were not arrested. The Chief Judicial Magistrate, Gurugram vide order dated 21.11.2019 has issued non-bailable warrant of arrest against the petitioners.

Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, Asstt. A.G., Haryana accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the Learned State Counsel, who seeks time to complete his instructions.

Adjourned to 13.01.2020.

In the meanwhile, the petitioners are directed to appear before the Chief Judicial Magistrate, Gurugram and on such appearance, the petitioners shall be released on interim bail on furnishing of bail bonds by the petitioners to his satisfaction. However, interim bail is granted subject to the conditions that the petitioners shall not commit any offence of similar nature and they shall not leave the country without permission of the trial Court. In case of noncompliance with these conditions, the petitioners will not be entitled to protection of interim bail order.”

CRM-6133 of 2020 is filed for impleading the complainant as party and CRM-6134 of 2020 is filed for placing on record the reply on behalf of the complainant.

In order to give a fair opportunity to the complainant, the reply filed is considered.

Learned counsel for the State, on instructions from SI-Manoj submits that the petitioners have joined the investigation, the investigation is complete, challan stands presented and no custodial interrogation of the petitioners is required.

Learned counsel for the complainant vehemently opposes the prayer for confirmation of interim bail. He submits that the petitioners are involved in other cases which are registered in Rajasthan.

In view of the statement made by learned counsel for the State and considering that involvement of petitioners in other cases in itself will not be a ground to deprive personal liberty of the petitioners.

As no custodial interrogation is required, the interim order dated 3.12.20219 is made absolute.

As the main case is disposed of, the prayers in the pending applications are rendered infructuous.

Needless to say that the complainant would be at liberty to avail remedies in accordance with law for redressal of the surviving grievance.

The petition stands disposed of.

[AVNEESH JHINGAN]
JUDGE

29th October, 2021

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1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No