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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51481-2019
Date of decision-03.08.2021

GOVIND VERMA

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.K. Tripathi, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.25 dated 10.01.2019 under Section 379-B Indian Penal Code, 1860, as the earlier police lodged FIR under Section 379A but at the time of filing of challan, the police prepared the challan under Section 379B registered at Police Station Mujesar District Faridabad. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 05.12.2019, whereby while issuing notice of motion to respondent-State, arrest of the petitioner was stayed. The said order reads as under:-

“Learned counsel for the petitioner contends that earlier the FIR was registered against the

petitioner only for the offence punishable under Section 379-A IPC and this Court had granted him the concession of anticipatory bail vide order dated 22.10.2019 (Annexure P-6). He submits that after completion of investigation, offence punishable under Section 379-B IPC has been added and it has given rise to apprehension of arrest once again.

Notice of motion for 27.4.2020.

In the meanwhile the arrest of the petitioner shall remain stayed pursuant to the offence punishable under Section 379-B IPC.”

Learned State counsel assisted by HC Surender Kumar has pointed out that as the present petition remained pending after grant of interim concession in December, 2019, the final report was not submitted in respect of the petitioner. He on instructions further states that co-accused of the petitioner have already been acquitted by the trial Court vide judgment dated 02.12.2019. According to him, the petitioner had already joined the investigation pursuant to the order dated 22.10.2019 passed by this Court in CRM-M-13829-2019 (Annexure P-6). Therefore, his custodial interrogation is not required at this stage.

Considering the above, the stand of the learned State counsel, the petition is allowed and the interim bail granted is made absolute.

(MANOJ BAJAJ)
JUDGE

03.08.2021

Vipin kumar

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