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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.54859 of 2019(O&M)
Date of Decision:06.07.2021

Arvind Malik

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Vinod S. Bhardwaj, Sr. Advocate with
Ms. Smridhi Sarin, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.517 dated 20.10.2019 registered under Sections 304 and 34 IPC at Police Station Sector 14, District Gurugram.

On 17.01.2020, following order was passed:-

"The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.517 dated 20.10.2019 registered under Section 304 read with Section 34 of the Indian Penal Code, 1860 at Police Station Sector 14, District Gurugram.

Notice of motion in this case was issued on

20.12.2019.

Learned State counsel seeks time to file reply to the petition.

Adjourned to 27.02.2020.

In the meanwhile, the petitioner is directed to join the investigation within seven days from the date of receipt of certified copy of this order. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on his furnishing of bail bonds to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.

However, it is clarified that this order granting interim anticipatory bail is passed without prejudice to the disposal of anticipatory bail application on merits and passing of any subsequent order of police or judicial remand by the competent court in the eventuality of dismissal of the anticipatory bail application.”

Learned counsel for the petitioner submits that in pursuance of aforesaid order, petitioner has joined the investigation. However, as per reply filed by way of affidavit of Ashok Kumar, HPS, Assistant Commissioner of Police, Old Gurugram, the petitioner has not co-operated in the investigation.

Today, learned State counsel on instructions from Sub Inspector Ajit Singh submits that the petitioner has co-operated in the investigation. He further submits that the petitioner has

joined the investigation to the entire satisfaction of the Investigating Officer and he is no more required for further investigation in the case.

In view of statement made by learned State counsel, the interim order dated 17.01.2020 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

06.07.2021

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No