

205 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

\*\*\*\*

CRM-M-2432-2022

Date of Decision: 24.02.2022

Rajan and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tribhawan Singla, Advocate, for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

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HARSIMRAN SINGH SETHI J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No.288, dated 17.10.2021, under Sections 147, 149, 323, 342, 365, 427, 452 and 506 of the IPC, registered at Police Station Kalayat, District Kaithal.

Learned counsel for the petitioners contends that the petitioners have joined the investigation in terms of the order dated 20.01.2022, passed by a co-ordinate Bench of this Court, which is as under:-

*“Case has been taken up for hearing through Video Conferencing.*

*This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been moved by petitioners-**Rajan** and **Sunil Kumar** in case FIR No.288 dated 17.10.2021 under Sections 147, 323, 342, 365, 427, 452 and 506 IPC read with Section 149 IPC, registered at Police Station Kalayat, District Kaithal.*

*Learned counsel for the petitioners inter alia contends that version, as alleged in the FIR, is concocted one and there is no iota of truth therein. He further urges that allegedly on 25.08.2021 at about 08:00 P.M. petitioners along with co-accused*

*kidnapped Rahul (complainant) and inflicted injuries on his person and further, he was undressed and then video of said Rahul in naked condition was made. He further urges that allegations, as set up in the FIR, are false and frivolous as in terms of initial version jointly made by Rahul (complainant) and his brother Sushil, whereby, DDR dated 27.08.2021 (Annexure P/2) was recorded, there is no allegation of kidnapping of Rahul (complainant) and making him undressed and preparation of any alleged video of said Rahul in a naked condition. He further urges that even otherwise, name of petitioner No.1-Rajan does not find mention in the array of accused in DDR dated 27.08.2021 (Annexure P/2). He further urges that injuries sustained by Rahul (complainant) and his brother Sushil are simple in nature. He further urges that co-accused Aman has already been arrested and released on regular bail by the Court concerned. He further submits that though petitioners have no nexus whatsoever with the alleged offence, they are ready to join investigation as and when called upon to do so by the Investigating Agency.*

*Notice of motion.*

*At the asking of Court, Mr. Amit Aggarwal, Deputy Advocate General, Haryana, accepts notice on behalf of respondent-State and seeks time to file status report. Complete copy of paper book be supplied to him during the course of the day.*

*Adjourned to 24.02.2022.*

*Meanwhile, in the eventuality of arrest of petitioners in the instant case FIR, they shall be enlarged on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting Officer/Investigating Officer. Petitioners shall join investigation on 24.01.2022 at 10:00 AM*

*sharp before Investigating Officer in Police Station Kalayat, District Kaithal, and on any other subsequent date as informed to them by the Investigating Officer. Petitioners shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.*

*Status report by respondent-State be filed with the Registry of this Court well before the date fixed with copy in advance to learned counsel for petitioners.”*

Learned State counsel, on instructions from SI Manoj Kumar, states that in terms of the order of the co-ordinate Bench of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioners undertakes that petitioners will join investigation and also cooperate with the investigating agency in case they are required for the same in future as well.

In view of the above, the order dated 20.01.2022 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioners are required for the investigation but are not cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

**24.02.2022**

*Apurva*

**(HARSIMRAN SINGH SETHI)**

**JUDGE**

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