

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

201

CRM-M-4370-2022

Date of Decision: 01.04.2022

Raj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ved Parkash, Advocate,
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Manoj.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.788 dated 14.11.2021 at Police Station Samalkha, District Panipat, under Sections 186/323/332/353/506/34 IPC.
2. At the time of issuance of notice of motion on 03.02.2022, the following order was passed:

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.788, dated 14.11.2021, having been registered at Police Station Samalkha, District Panipat, alleging therein the commission of offences punishable under the provisions of Sections 186/323//332/353/506/34 of the IPC.

Learned counsel for the petitioner submits that the petitioner has only been roped in on his brother allegedly having attacked a head constable in a drunken condition, which allegation is also denied, with there being no reason for the petitioner or his brother also to do so, both he and his brother being soldiers in the Army.

Without making any comment on the correctness of the aforesaid contention, notice of motion is issued.

On the asking of the court, Mr. Neeraj Poswal, AAG, Haryana, accepts notice on behalf of the respondent State.

A copy of the petition be supplied to him today itself by learned counsel for the petitioner.

A gazetted officer is directed to file a reply to the petition.

In the meanwhile, the petitioner is directed join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this court.

Adjourned to 01.04.2022.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and otherwise has a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 03.02.2022 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.

01.04.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No