

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-3932-2022
Decided on : 31.03.2022

Surya Pratap and others

. . . Petitioners

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No. 288 dated 17.10.2021 under Sections 147, 149, 323, 342, 365, 427, 452 and 506 of the Indian Penal Code, 1860 registered at Police Station Kalayat, District Kaithal.

On 01.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No.0288 dated 17.10.2021 registered under Sections 147, 149, 323, 342, 365, 427, 452 and 506 of the Indian Penal Code, 1860 at Police Statin Kalayat, District Kaithal.

Learned counsel for the petitioners argues that the petitioners have wrongly been involved in the present case

and the complainant has made a complaint initially on the basis of which a DDR was registered on 27.08.2021, wherein, there are no allegations in regard of any abduction or preparation of any video of the complainant. Learned counsel for the petitioners submits that nothing is to be recovered from the petitioners and keeping in view the fact that co-accused namely Rajan has already been granted interim bail by this Court while passing order in CRM-M-2432- 2022, the petitioners may kindly be extended the concession of anticipatory bail as they are ready to join the investigation and cooperate with the same.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes the factum that initially when the DDR was registered after the incident on 27.08.2021, the allegation of abduction or preparing of a video of the complainant does not find mentioned and the only allegations were of fight between two parties. Learned counsel for the respondent-State submits that after the registration of DDR, the complainant has submitted certain evidence, which had led to the registration of the present FIR on 17.10.2021 and as the weapons attributed to the accused are yet to be recovered, custodial interrogation of the petitioners is necessary.

Learned counsel for the petitioners submits that the petitioners are ready to cooperate even with regard to the recovery of any weapon being attributed to them including danda etc. as well as the motorcycle in question.

I have heard learned counsel for the parties and have

gone through the record with their able assistance.

Keeping in view the above mentioned fact, especially when similarly situated co-accused has already been extended the concession of interim bail by a Coordinate Bench of this Court while passing order in CRM-M-2432-2022 coupled with the fact that the petitioners have undertaken before this Court to join the investigation and cooperate even in respect of recovery of any weapon or the motorcycle concerned, the purpose of investigation will be achieved in case, the petitioners are directed to join the investigation and cooperate with the same.

Petitioners are directed to join the investigation forthwith.

In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That they shall make themselves available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 31.03.2022.

It is, however, made clear that after the petitioners join the investigation, in case any incriminating material

comes against the petitioners, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioners in case, the same is needed. ”

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have joined the investigation and are not involved in any other case.

Learned State counsel, on instructions from ASI Jasbir Singh, has submitted that the petitioners have joined the investigation on 08.02.2022 and are not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders dated 01.02.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 01.02.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

31.03.2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No