

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

211

CRM-M-5588-2022

Date of Decision : July 20, 2022

SUNNY CHAWLA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Ms. Chandrani Prasad, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Gautam Dutt, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

Reply has already been filed by the State which is taken on record.

The learned counsel for the petitioner has submitted that the petitioner was granted interim bail by this Court on 10.2.2022 and in pursuance of the aforesaid order, the petitioner has already joined the investigation and he has joined the investigation for about 15 times and has fully co-operated with the investigation process and apart from the same, he has already deposited his mobile phone with the IO in pursuance of his own undertaking and the order issued by this Court on 10.2.2022 and, therefore, has prayed that the aforesaid order may be confirmed.

The learned State counsel has stated that an affidavit dated 13.7.2022 has been filed by the Assistant Commissioner of Police, Badkhal, District Faridabad and while referring to para No.2 of the affidavit, he submitted that it is correct that the petitioner has joined the investigation in compliance with the order passed by this Court and it has been categorically stated by the State that the custodial investigation of

the petitioner is not required. The learned State counsel has also submitted on instructions that the petitioner has already deposited the mobile phone.

Learned counsel for the complainant has stated that although the petitioner has joined the investigation but the mobile phone conversation etc. have been sent to the FSL and the report of the same is awaited and, therefore, the proceedings be deferred.

I have heard the learned counsels for the parties.

Notice in the present case was issued on 10.2.2022 and the petitioner was granted interim bail. The State has taken a categorical stand before this Court today and also by way of affidavit that the petitioner has already joined the investigation and he is not required for custodial investigation. The request made by the learned counsel for the complainant that the proceedings be deferred to await the report of the FSL is not sustainable. The complainant was also granted liberty to file affidavit in case, if so advised but no affidavit has been filed by the complainant.

This Court is of the view that since in compliance of the order passed by this Court, the petitioner has already joined the investigation and as per the learned State counsel and the affidavit the custodial investigation of the petitioner is not required, the present petition deserves to succeed.

Consequently, the present petition is allowed and order dated 10.2.2022 is, hereby, made absolute.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

July 20, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No