

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-10193-2022
Decided on : 28.04.2022

Tika Ram and another

. . . Petitioners

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Gautam Dutt, 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 petitioner in case FIR No. 32 dated 25.01.2022 under Sections 186, 332, 34, 353 and 427 of the Indian Penal Code, 1860 registered at Police Station Barauda, District Sonipat.

On 10.03.2022, this Court was pleased to pass the following order:

“Learned Senior Counsel for the petitioners inter alia contends that in the present case, the petitioners were in their own farm house when people in plain clothes had come to the said farm house without there being any local police alongwith them and immediately, thereafter, petitioner No.2 had messaged local police (Annexure P-2) for assistance and when the local police arrived, then the local police asked the persons who had entered the farm house of the petitioners without any search warrant and it is at that stage that the

said persons disclosed that they were from the Delhi Police and were looking for one Sunil Mishra @ Aniket (declared P.O.). Reference has been made to page 15 of the paper book, on which the police proceedings in the FIR are mentioned, in which, it has been stated that the said SI from the local police, after conducting search of the poultry farm, had found that the said proclaimed offender was not found there. It is submitted that in case, the said persons belonged to Delhi Police and had come alongwith the local police, the petitioners would have fully helped the police in every manner but however, on account of the fact that they were not dressed up in their uniform and were in plain clothes, and came without local police into the farm house of the petitioners, thus, the said unfortunate incident had taken place.

Learned Senior Counsel for the petitioners has further submitted that the petitioners are not in any way related to the proclaimed offender and have no criminal background.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 28.04.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

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

Learned State counsel, on instructions from ASI Balwan, has submitted that the petitioners have joined the investigation on 31.03.2022 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 order dated 10.03.2022 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 10.03.2022 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

28.04.2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No