

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11392-2020 (O&M)
Date of Decision:-23.3.2022

Raj Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Jatin Sharma, Advocate and
Mr. Robin Singh, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.86 dated 25.2.2020 at Police Station Sector 17/18, District Gurugram under Sections 384, 506 and 34 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 18.3.2020:

“Notice of motion for 20.7.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when

called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

At this stage, Mr. Robin Singh, Advocate has appeared on behalf of the complainant and filed power of attorney. The same is taken on record.”

3. Thereafter on 9.8.2021, the following order was passed:

“During the course of arguments, learned counsel for the petitioner submits that there is a registered Trade Union by the name ‘Auto Rickshaw Employer Association, Gurgaon’ of which the petitioner was the President in the year 2016 and that the auto rickshaw drivers were supposed to follow certain rules and were to ply their auto rickshaws on a fixed route only and for violation of the same, a fine of Rs.100/- used to be imposed upon them and that some of the auto rickshaw drivers being aggrieved by the same, had lodged the case falsely against the petitioner, who was infact the President of the union. It has further been submitted that one of the alleged complainants namely Bal Kishan has also furnished his affidavit Annexure P-1 to the effect that he does not wish to take any action against Robin and Raj Kumar @ Bucha.

The State counsel to verify the aforesaid assertions particularly as regards the contention that the petitioner was a President of the auto rickshaw union.

List on 8.11.2021.

Interim directions, if any, to continue.”

4. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation. It has also been informed that the petitioner happens to be involved in one more case.

5. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 18.3.2020 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.

23.3.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No