

204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22403-2021 (O&M)
Date of Decision: 17.01.2022

Ramesh Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Vikas Bishnoi, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.0085 dated 17.03.2021, registered under Section 381 IPC at Police Station Adampur, District Hisar. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 07.06.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that petitioner married with Ravina (niece of the complainant) on 26.02.2021 against the wishes of her parents and other relatives, who had sought intervention of this Court by way of protection petition. According to him, since the petitioner and his wife were already on run, therefore, he had no occasion to commit the alleged offence, who has been falsely implicated.

Notice of motion for 12.11.2021.

Meanwhile, the petitioner shall join the investigation and

would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/ Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further states that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Baljeet does not dispute this fact that the petitioner has joined the investigation, but opposes the prayer on the ground that the recovery of stolen amount is yet to be effected.

At this stage, learned counsel for the petitioner has argued that the petitioner being an employee of complainant used to work at liquor vend and admittedly, the petitioner did not come to the shop w.e.f. 15.03.2021, as he was already on run. He submits that in order to pressurize the petitioner to give up the company of complainant's niece, he has been falsely implicated.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 07.06.2021 is made absolute.

17.01.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No