

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

CRM-M-26895-2021

Date of decision-17.02.2022

ASI Yogesh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jai Vir Yadav, Senior Advocate with
Mr. Harsh Vardhan Ranga, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.471 dated 25.06.2021 under Sections 116, 306, 153 and 193 Indian Penal Code, 1860 and Section 54 Haryana Police Act, 2008 registered at Police Station City Narnaul, who apprehends his arrest at the hands of Police.

Learned Senior counsel has drawn the attention of the Court to the order dated 14.07.2021, which reads as under:-

“Learned senior counsel for the petitioner has argued that complainant (HC Pardeep) was facing a departmental enquiry and as per allegations, he in connivance with the petitioner and co-accused Vikas attempted to set up a fake suicide to pressurize the senior officer in order to get rid of those proceedings. According to him, the complainant never made any attempt to commit suicide and despite observation by the Court of Sessions that no offence punishable under Sections 306/116 IPC is made out, his prayer for pre-arrest bail has been declined. He submits that in the given facts, the custodial interrogation of the petitioner may not be

necessary.

Notice of motion for 25.11.2021.

At this stage, Mr. Aditya Sanghi, Advocate appears on behalf of the complainant and opposes the prayer on the ground that the petitioner along with his co-accused had conspired with the complainant to pressurize the senior police officers. However, during the course of hearing, it is not disputed that no attempt was made by complainant to end his life.

Mr. Parmar, learned State counsel has pointed out that the alleged suicide note prepared by the complainant was typed by using the laptop belonging to the petitioner.

Considering the above, prima facie at this stage, this Court is of the opinion that the custodial interrogation of the petitioner does not seem to be necessary.

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 Senior counsel has submitted that pursuant to the above directions, petitioner has joined the investigation and during the pendency of the petition, the parties have also arrived at a compromise and a separate petition bearing No. CRM-M-38122-2021 has already been filed for quashing of the FIR. He further states that co-accused of the petitioner, namely, Vikas has already been released on regular bail by Court of Sessions vide order dated 23.08.2021.

Learned State counsel assisted by DSP Amit Dahiya, does not dispute this fact that the petitioner has joined the investigation, but according to him, he has refused to give his voice sample when he was taken for the said purpose pursuant to the directions given by the trial Court. He fairly states that the quashing petition filed by the accused is pending for 15.09.2022.

At this stage, learned Senior counsel has pointed out that

the refusal of the petitioner to give his voice sample cannot be treated as a valid ground for his custodial interrogation, particularly when the said direction was given by the trial Court and the consequences of the same would be evaluated and examined by the trial Court at an appropriate stage.

After hearing the learned counsel for the parties and considering the above background, this Court does not find it to be a fit case where custodial interrogation of the petitioner is necessary, particularly when the parties have also arrived at a compromise.

Consequently, the petition is allowed and order dated 14.07.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

17.02.2022

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No