

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

205+101

CRM-M-31450-2021(O&M)
Date of Decision : July 20, 2022

PAWAN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Ms. Pooja Arora, Advocate and
Mr. S.S.Duhan, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Raj Kumar, Advocate for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.199 dated 24.6.2021 under Sections 306, 34 of IPC, registered at Police Station Adampur, District Hisar.

It has been submitted by the learned counsel for the petitioner that the arrest of the petitioner was stayed on 6.8.2021 and thereafter on 22.2.2022 he was again directed to join the investigation and was granted interim bail by this Court. She further submitted that in pursuance to the aforesaid order, the petitioner has already joined the investigation and he has fully co-operated with the investigation process and, therefore, the aforesaid order may be confirmed.

On the other hand, the learned State counsel on instruction from ASI Vinod Kumar stated that in pursuance to the aforesaid order, the petitioner has already joined the investigation and he has fully co-operated with the investigation process and he is not required for custodial investigation.

Mr. Raj Kumar, Advocate for the complainant has stated that the learned counsel for the petitioner on 6.8.2021 had contended before this Court that the petitioner shall settle the matter with the farmers and others from whom they had purchased the food-grains and due to this reason notice of motion was issued but he has not settled the matter with anybody and, therefore, he is not entitled for the grant of anticipatory bail.

I have heard the learned counsels for the parties.

The learned State counsel has taken a specific stand that the petitioner has already joined the investigation and he is not required for custodial investigation. A perusal of the order dated 6.8.2021 would show that although the learned counsel for the petitioner had contended that he will settle the matter with the farmers and others from whom they had purchased the food-grains but the order of notice of motion was not conditional order. The State has specifically stated that the custodial investigation of the petitioner is not required.

In view of the aforesaid position, the anticipatory bail petition filed by the petitioner deserves to succeed.

Consequently, the present petition is allowed and order dated 22.2.2022 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