

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35475-2021(O&M)
Date of decision: 28.02.2022

ROHIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana..

VIVEK PURI,J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 304 dated 08.08.2021, registered under Sections 306 IPC, 1860, at Police Station Pataudi, District Gurugram.

On 31.08.2021, the following order was passed:-

“This is a petition that has been filed for grant of anticipatory bail to the petitioner in case FIR No.304 dated 08.08.2021 under Section 306 IPC registered at Police Station Pataudi, Gurugram. Learned counsel for the petitioner would argue that the allegations as set out against the petitioner herein that he was teasing and threatening the girl which led her to commit suicide, would not be borne out from an Annexure P-3 which are the whatsapp messages received by the petitioner herein from the deceased. It is further submitted that in fact there is nothing to establish that the petitioner herein had instigated the deceased to commit suicide. It is also argued that the petitioner herein is ready to join the investigation and hand over his phone to the police to retrieve all the whatsapp messages received by him and sent by him to the deceased.

Notice of motion.

At this stage, Ms. Mahima Yashpal, D.A.G., Haryana, appearing through the medium of video

conferencing accepts notice on behalf of respondent-State and she would contend that the phone of the deceased has already been retrieved by the police but nothing has been found as all the messages found deleted. In view of the same the said phone has been sent to the FSL for retrieving the messages.

Adjourned to 28.02.2022.

Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

On instructions from ASI Sham Lal, learned State counsel has not assailed the aforesaid factual aspects and further states that the petitioner has joined the investigation and his custodial interrogation is not required. Though, the FSL report has not been received but nothing is to be recovered from the petitioner.

In view of the aforesaid submissions, the order dated 31.08.2021, granting interim bail to the petitioner is made absolute.

Furthermore, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands allowed.

28.02.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No