

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36508-2021
Date of Decision: 17.02.2022

BANSI LAL

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.S.Mamli, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

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VIVEK PURI, J. (ORAL)

On 06.09.2021, the following order was passed:

“This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0112, dated 24.06.2021, registered under Sections 294, 306, 506, 34 IPC (Section 12 of POCSO Act, 2012 added subsequently) at Police Station Bhattu Kalan, District Fatehabad.

Counsel for the petitioner herein would contend false implication by contending that the provisions of Section 306 IPC would not be attracted against him. It is argued that all allegations are in fact against Manoj, his son, who allegedly harassed the daughter of the complainant and the only allegation against the petitioner herein is that he had given abuses on 23.06.2021. It is argued that his son Manoj has already been given default bail.

Notice of motion for 17.02.2022.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds 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 as provided under Section 438(2) Cr.P.C.

Learned counsel for the petitioner contends that in pursuance to the interim directions issued by this Court, the petitioner has joined the investigation, his custodial interrogation is not required, the investigation qua the petitioner is also complete and supplementary challan has been presented against him.

On the instructions from ASI Om Prakash, learned State counsel has not assailed the aforesaid factual aspects.

Keeping in view the fact that, the allegation against the petitioner are only to the effect that he had given abuses to the deceased, he has joined the investigation in pursuance to the interim directions issued by this Court, his custodial interrogation is not required, the investigation of the case is complete and supplementary challan has been presented, as such sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 06.09.2021, vide which the petitioner was granted interim bail, is made absolute. However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands allowed.

(VIVEK PURI)
JUDGE

17.02.2022
manju

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