

CRM-M-38734-2021

Date of decision: 24.02.2022

ASHOK @ RINKU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ravinder Phogat, 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. 82 dated 12.05.2021, registered under Sections 148/149/323/325/354-A/506 IPC, 1860, at Police Station Behal.

On 17.09.2021, 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.82, dated 12.05.2021, registered under Sections 148, 149, 323, 325, 354-A and 506 of IPC at Police Station Behal.

Learned counsel for the petitioner contends that in fact the petitioner was not named in the FIR and he has been nominated as an accused on a statement given by one Deepak, who is now on regular bail.

Notice of motion.

At this stage, Ms. Mahima Yashpal, DAG, Haryana, has put in appearance through the medium of video conferencing and accepts notice on behalf of the respondent-State. She would submit that the petitioner is a habitual offender and has several cases pending against him.

Taking into account the fact that the petitioner was nominated as an accused on the basis of a disclosure statement, this Court deems it appropriate to direct him to join investigation.

Adjourned to 24.02.2022.

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 of the interim directions issued by this Court, the petitioner has joined the investigation and his custodial interrogation is not required.

On instructions from Head Constable Rajwanti, learned State counsel has not assailed the aforesaid factual aspects and reiterates that the petitioner has joined the investigation and his custodial interrogation is not required.

Though, it has been stated that the petitioner is involved in some other cases but significantly, in the instant case, the petitioner has been nominated on the basis of the disclosure statement of the co-accused and he has not been named in the FIR. He has joined the investigation in terms of interim directions issued by this Court and his custodial interrogation is stated to be not required. As such, sufficient exceptional circumstances are made out to extend the concession of bail to the petitioner.

In view of the aforesaid submissions, the order dated 17.09.2021, 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.

24.02.2022
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(VIVEK PURI)
JUDGE