

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

CRM-M-34761-2022

Date of Decision: 15.09.2022

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.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Praveen Bhadu, A.A.G., Haryana.

VIKAS BAHL, J. (Oral)

This is the second petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 336, dated 27.08.2019, under Sections 419/420/120-B of the IPC, registered at Police Station Rai, District Sonipat.

On 06.08.2022, this Court was pleased to pass the following order:-

“This is second petition filed under Section 438 of Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.336 dated 27.08.2019 registered under Sections 419, 420 and 120-B of the Indian Penal Code, 1860 at Police Station Rai, District Sonipat.

Learned counsel for the petitioner has submitted that the first petition filed for grant of anticipatory bail to the petitioner bearing No.CRM-M-32106-2022 was dismissed as withdrawn vide order dated 26.07.2022 passed by this Court with liberty to

file fresh petition after annexing all the relevant documents and the present petition has been filed after complying with the said order. It is further submitted that the case of the petitioner is on similar footing as that of Sunil Kumar who has already been granted anticipatory bail by the Coordinate Bench of this Court vide order dated 14.12.2021 passed in CRM-M-910-2020 and in the said order, it has been noticed that accused therein had not received any benefits as examination was cancelled. It is argued that even in the present case, the petitioner had not derived any benefit as the examination was cancelled. Reliance has also been placed upon the orders (Annexures P-6 to P-8) passed by the Coordinate Bench of this Court in case of Sachin, Pawan and Yogesh in order to show that similarly placed other co-accused persons have also been granted the concession of anticipatory bail.

Notice of motion for 08.09.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall 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 has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Hari Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 06.08.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 06.08.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

September 15, 2022
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(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No