

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.214

CRM-M-38724-2021

Date of decision: 17.01.2022

Rohit Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Mukesh Yadav, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.888 dated 04.12.2017 registered under Sections 341/364-A, 506, 34 IPC and Section 25 of the Arms Act, 1959 at Police Station Civil Lines, Hisar, District Hisar.

On October 13, 2021, this Court had passed the following order:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.888 dated 04.12.2017 registered under Sections 341, 364-A, 506 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act at Police Station Civil Lines, Hisar, District Hisar.

Learned counsel for the petitioner submits that the present FIR was registered in the year 2017 and the petitioner has been involved in January, 2021 on the ground that one of the co-accused Monu @ Maninder @ Mohinder @ Rahul was arrested on 11.01.2021, on whose disclosure statement, it has come that the petitioner was also involved in the said incident and had an active role in kidnapping the complainant and demanding ransom. Learned counsel for the petitioner further submits that two of the co-accused, have already been acquitted as the complainant turned hostile and did not identify them as culprits of the crime. Learned counsel for the petitioner further submits that nothing is to be recovered from the petitioner and he is ready to join the investigation and cooperate with the same,

therefore, he may be granted the benefit of anticipatory bail.

Learned counsel for the respondent-State submits that the role of the petitioner has been described by the co-accused in his disclosure statement and his custodial interrogation is necessary to find out the truth behind the allegations though, learned counsel for the respondent-State concedes that two other co-accused of the petitioner have already been acquitted after they were not identified by the complainant.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, nothing has been pointed out as to whether anything is to be recovered from the petitioner and petitioner is ready to join the investigation as the petitioner has only been roped in the present case on the basis of disclosure statement of the co-accused namely Monu @ Maninder @ Mohinder @ Rahul, which is yet to be proved during the trial, the purpose of investigation will be achieved, in case, the petitioner is directed to join the investigation and cooperate.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 11.01.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined the investigation; co-operated with the investigating agency and that his custodial interrogation is not required by the State.

In view of the above, the interim order of this Court dated 13.10.2021, granting ad interim anticipatory bail to the petitioner is made absolute.

January 17, 2022
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(DEEPAK SIBAL)
JUDGE

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