

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(209)

CRM-M-39942-2021

Date of decision: - 11.07.2022

Tirlok

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. B.S. Rathee, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.244 dated 13.06.2021, under Sections 328, 379 and 411 IPC, registered at Police Station Sadar Thanesar, District Kurukshetra.

On 24.09.2021 a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case and that the only evidence with the prosecution against him is an alleged disclosure statement of a co-accused in police custody which has no evidentiary value under Section 25 of the Indian Evidence Act, 1872.

Notice of motion.

Mr. Rahul Mohan, DAG, Haryana, accepts notice on behalf of the respondent-State and prays for time to argue the matter.

Adjourned to 05.10.2021.

Before the adjourned date, the State shall file a status report detailing therein prosecution's case qua the petitioner as also the evidence that the State has to implicate the petitioner in the case in hand as an accused and also inform the Court other criminal cases that the petitioner faces with status thereof.

September 24, 2021

**(DEEPAK SIBAL)
JUDGE"**

Thereafter, on 18.05.2022, this Court was pleased to pass the following order: -

"On request of learned counsel for the petitioner, adjourned to 11.07.2022.

In the meanwhile, the petitioner is again directed to join investigation and 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 SI Moman Singh, has submitted that the petitioner has joined the investigation on 07.07.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders dated 24.09.2021 and 18.05.2022 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 18.05.2022 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.

July 11, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No