

201-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-:-

CRM-M-40888-2021 (O&M)

Date of Decision : 15.02.2022

Mohit

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. H.S.Dhindsa, Advocate for the petitioner.

Mr. Viney Phogat, DAG Haryana.

ALKA SARIN, J. (Oral)

Taken up through video conferencing.

On 30.09.2021, the following order was passed:-

“ The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.139 dated 09.07.2021, registered for offences under Sections 307, 342, 365, 506 and 34 of the Indian Penal Code, 1860, at Police Station, Sector 6, Dharuhera, District Rewari (Annexure P-1).

Counsel for the petitioner contends that the petitioner has been arraigned as an accused on the basis of disclosure statement of co-accused, Amit and Neeraj Kumar, both of whom have been arrested. He urges that the petitioner has been involved because he is related to the main accused, Amit. It is his argument that the offence under Section 307 Indian Penal Code, 1860 is not attributed to the petitioner, but to the main accused, Amit, who has been released on regular bail

by the trial Court, vide order dated 27.09.2021. He has drawn parity with co-accused, Neeraj Kumar and Dheeraj, who have been granted interim protection by this Court, vide orders dated 10.09.2021 and 13.09.2021, Annexures P-2 and P-3 respectively.

Notice of motion

On asking of the Court, Mr. Kuldeep Tiwari, Additional Advocate General, Haryana accepts notice on behalf of respondent-State. By referring to the observation of the learned Additional Sessions Judge, Rewari, State counsel submits that recovery of wooden stick is to be effected from the petitioner, for which purpose, his custodial interrogation is necessary.

List on 15.02.2022.

To be heard with CRM-M-37531-2021

Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C”

Learned counsel for the petitioner has stated that the petitioner has since joined the investigation and has fully co-operated with the investigation.

Learned counsel for the State, on instructions from ASI Surender, has stated that the petitioner has since joined investigation and that he is not required for custodial interrogation as of now.

In view of the above, the order dated 30.09.2021 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

February 15, 2022

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(ALKA SARIN)

JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO