

CRM-M-42642-2021(O&M)
Date of decision: 08.03.2022

MANOJ KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Jai Parkash Dhull, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Ranbir Singh, Advocate
for the complainant.

VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 114 dated 01.12.2020, registered under Sections 120-B/323/376/506 IPC, 1860, at Women Police Station Karnal, District Karnal.

On 29.11.2021, the following order was passed:-

“Reply by way of affidavit of Himadree Kaushik, IPS, Addl. Superintendent of Police, Indri, on behalf of the respondent-State has been filed in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Copy thereof has been handed over to the counsel opposite.

The instant petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.114, dated 01.12.2020 (annexed as Annexure P-1), registered under Sections 120-B, 323, 376, 506 of IPC, lodged at Police Station Women P.S. Karnal, District Karnal.

Learned counsel for the petitioner contends that a false case has been foisted upon the petitioner which is evident from the fact that during the investigation, he was found innocent by the

Investigating Agency. He contends that it came to light during investigation that the petitioner was in District Kurukshetra in the months of June and July, 2020, where he was working as a driver on contractual basis in the Excise Department. A statement to the said effect of his superior officers also had been recorded. He further contends that it is only during trial the petitioner had been summoned under Section 319 Cr.P.C. Learned counsel submits that there is a genuine apprehension on his part that he may be arrested and sent to custody when he appears on the next date before the trial Court. He further submits that in the aforementioned given circumstances his custodial interrogation would not be required and his custody would also not serve any purpose.

Heard and perused the material on record.

The petitioner is directed to appear before the trial Court concerned within 10 days from today. On his appearance, he shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Adjourned to 08.03.2022.

A copy of the order which shall be passed by the trial court, be produced in Court on the next date of hearing. .”

Learned counsel for the petitioner contends that in pursuance of the interim directions issued by this Court, the petitioner has surrendered before the learned trial Court and has been released on interim bail in terms of order dated 06.12.2021. The copy whereof has been placed on record.

On instructions from ASI Meenu, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner was found innocent during the course of investigation, he has been summoned under Section 319 Cr. P.C and surrendered before the learned trial Court in pursuance of the interim directions. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

In view of the aforesaid submissions, the order dated 29.11.2021, 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.

It is further directed that the petitioner shall furnish fresh bail bonds to the satisfaction of the trial Court within a period of one month.

The petition stands allowed.

08.03.2022
renubala

(VIVEK PURI)
JUDGE

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