

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.202

CRM-M-51322-2021(O&M)

Date of decision: 18.07.2022

FEROZ KHAN

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Yash Vardhan Singh, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Amit Parashar, Advocate
for the complainant.

* * *

VINOD S. BHARDWAJ, J. (Oral)

The prayer in this petition filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C') is for grant of anticipatory bail to the petitioner in case bearing FIR No.433 dated 01.09.2021 under Sections 323, 506, 307 and 34 of the Indian Penal Code, registered at Police Station Palla, District Faridabad.

Learned counsel for the petitioner *inter alia* contends that pursuant to the order dated 14.02.2022, passed by this Court, the petitioner has joined investigation and is no longer required for investigation of the case.

Learned State counsel, on instructions from ASI Anil,

corroborates the said averment and submits that the custodial interrogation of the petitioner is not required for the purpose of investigation.

Learned counsel for the complainant has contended that the name of the petitioner has duly figured in the statement of the witnesses recorded under Section 161 Cr.P.C, showing his participation in the commission of the offence.

However, considering that the Investigating Agency is the master of investigation and the requirement of custodial detention for the purpose of investigation has to be set out by the Investigating Agency, the aforesaid objection on behalf of learned counsel for the complainant is found to be without any merit. So far as the culpability of the offence is concerned, the same shall be determined by the trial Court.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the interim order dated 14.02.2022 is made absolute.

However, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) CrPC.

18.07.2022
Amandeep

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No