

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

206

CRM-M-48942 of 2021

Date of Decision:-24.1.2022

Dayanand

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

(Proceedings conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.408 dated 15.5.2016, initially for the offence punishable under Sections 323, 506, 34 IPC, registered at Police Station Sadar, District Hisar, however, final report dated 1.7.2016 (Annexure P-4) was filed before the learned Illaqa Magistrate, Hisar for the offence punishable under Sections 307, 323, 506, 34 IPC as the petitioner was initially exonerated from the offences by the Investigating agency but now the petitioner was summoned in **SC/261/2016** by the learned Additional Sessions Judge, Hisar vide order dated 20.8.2021 (Annexure P-8).

Learned counsel for the petitioner contends that the petitioner

has joined investigation in terms of order passed by this Court dated 23.11.2021. Order dated 23.11.2021 is read as under:-

“The 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.408 dated 15.05.2016 registered under Sections 323, 506 and 34 of the IPC (Section 307 added later on) at Police Station Hisar Sadar, District Hisar.

Learned counsel for the petitioner submits that after the completion of investigation in the present FIR, the petitioner was found innocent and no challan was presented against him but, thereafter, on the basis of the application filed by the prosecution under Section 319 Cr.P.C, he has been summoned to face trial as an additional accused. Learned counsel for the petitioner further submits that the petitioner has filed application under Section 438 Cr.P.C for the grant of anticipatory bail, which has been declined by the trial Court vide order dated 04.10.2021. Learned counsel for the petitioner argues that petitioner is not required for any investigation purpose and nothing is to be recovered from the petitioner and the petitioner has already been declared innocent by the Investigating Agency, no useful purpose will be served by sending the petitioner behind the bars during the trial. Learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial or influence the witnesses in any manner, therefore, he may kindly be extended the benefit of anticipatory bail.

Notice of motion for 24.01.2022.

Mr. Gaurav Bansal, AAG, Haryana, who is present in the Court accepts notice on behalf of

respondent-State.

Learned State counsel concedes the factum that the petitioner was found innocent by the Investigating Agency and it is only on the basis of an application filed by the prosecution under Section 319 Cr.P.C, the petitioner has been summoned to face trial as an additional accused.

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

Keeping in view the facts, which have been stated hereinbefore, which are not in dispute, especially, when learned counsel for the petitioner undertakes that the petitioner will maintain good conduct while on bail and will not obstruct the trial or influence the witnesses in any manner, no useful purpose will be achieved by sending the petitioner behind the bars as the allegations alleged against the petitioner are yet to be proved during the trial. Hence the petitioner has made out a case for the grant of anticipatory bail .

In view of the same, the petitioner is directed to join the proceedings before the trial Court and in the said event, the petitioner be extended the benefit of anticipatory bail to the satisfaction of the trial Court/Ilqa Magistrate concerned.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Partap, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 23.11.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

January 24, 2022
Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No