

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52816-2021
Date of Decision: 24.01.2022

Arpit Raj @ Golu Mishra

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Manvendra Mukul, Advocate,
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

(Through video conferencing)

PANKAJ JAIN, J. (ORAL)

The petitioner has prayed for grant of pre-arrest bail in FIR No.0640 dated 03.08.2020, registered under Sections 365 and 34 of the Indian Penal Code, at Police Station Old Industrial Area Panipat, District Panipat.

On 05.01.2022, the following order was passed:-

“Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 640 dated 3.8.2020, under Section 365 read with Section 34 IPC, registered at Police Station Old Industrial Area, Panipat.

Learned counsel for the petitioner relies upon the order dated 7.4.2021 passed by this Court in CRM-M-13597 of 2021 whereby co-accused Satya Prakash Kashyap @ Sonu Mishra was granted ad interim anticipatory bail in this FIR. The order is quoted below:

“Learned State counsel prays for some time to file a detailed status report.

Adjourned to 03.08.2021.

Seeking ad-interim anticipatory bail, learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case since on an earlier occasion the petitioner's sister namely, Chandani Devi lodged a FIR against the complainant and her family members; as a counter blast the present FIR has been got registered by the complainant against the petitioner; the alleged victim Bablu Rai claims that he was kidnapped from 01.08.2020 till 28.09.2020 which allegation of his is apparently false since on 04.09.2020 Bablu Rai had personally appeared before the Additional Chief Judicial Magistrate 5, Saran at Chapra, Bihar and furnished his surety/bail bonds in the aforesaid FIR lodged against him by the petitioner's sister and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

After considering the above submissions, it is directed that till the adjourned date, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.640, dated 03.08.2020 registered under Sections 365, 34 of IPC at Police Station Old Industrial, Panipat, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer”

Learned counsel for the petitioner further submits that the interim order was made absolute on 14.10.2021. Parity is claimed with the co-accused.

Learned counsel for the State on instructions from SI-Ram Kumar is not in a position to dispute the parity of the petitioner vis-a-vis Satya Prakash Kashyap @ Sonu Mishra so far as grant of anticipatory bail is concerned.

In view of the above, the petitioner is granted interim bail subject to his joining investigation within seven days. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall

abide by the conditions as envisaged under Section 438(2) Cr.P.C. List on 21.1.2022.”

Today, learned State counsel on instructions from Om Parkash, DSP, Crime Against Women, Panipat, has stated that pursuant to the order dated 05.01.2022, the petitioner has joined investigation and is no longer required for custodial interrogation.

In view of above, the interim order dated 05.01.2022 passed by this court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

The petition stands disposed off.

(PANKAJ JAIN)
JUDGE

24.01.2022
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No