

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

204

CRM-M-50977-2022

Date of Decision: 30.11.2022

Sunil Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

On 03.11.2022, the following order was passed :-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.945 dated 06.10.2022 registered at Police Station Sadar Karnal, under Sections 186, 212, 332, 353 of IPC.

The petitioner in FIR No.784 dated 22.08.2022 under Sections 323/354-B/376/511/452/354/506/34 IPC filed an application under Section 438 Cr.P.C. before learned Sessions Court, Karnal which vide order dated 27.10.2022 has granted anticipatory bail. The concession of anticipatory bail was declined by learned Additional Sessions Judge-I, Karnal vide order dated 20.10.2022 in FIR No.945 dated 06.10.2022 whereas in the main FIR No.784 dated 22.08.2022, the petitioner has been ordered to be released on bail.

Notice of motion returnable for 30.11.2022.

Meanwhile, the petitioner shall join the investigation and would remain present as and when summoned by Investigating Officer and in

the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.”

Learned counsel for the petitioner submits that the petitioner has joined the investigation and fully cooperated the Investigating Officer.

Learned State counsel on instructions from ASI Gaurav does not dispute the statement made by learned counsel for the petitioner and further submits that petitioner has joined investigation on 29.11.2022 and *danda* is yet to be recovered.

In view of the fact that the petitioner has joined the investigation and contention of learned State counsel is not plausible, the petition is allowed and the interim bail granted to the petitioner vide order dated 03.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

30.11.2022
anju

(JAGMOHAN BANSAL)
JUDGE