

Mahtab Singh

.....Petitioner(s)

VERSUS

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

On 04.01.2022, the following order was passed:-

“Learned counsel for the petitioner inter alia contends that in the initial inquiry dated 05.08.2015 (Annexure P-2), joint statement of the complainants were recorded and as per their admission, the petitioner was not found guilty of any offence. However, now the present FIR has been registered in the matter in which also co-accused Randhir Singh, Davinder Singh, Parveen Kumar and Kanta Devi, have been admitted to regular bail.

On advance notice, Mr. Naveen Singh Panwar, DAG, Haryana, appears and points out that owing to defective investigation by Randhir Singh, FIR No.215 dated 11.06.2021, under Sections 167, 217, 218 of the IPC and Section 7 of the Prevention of Corruption Act, 1988, at Police Station City, Jhajjar, has been registered against the said Officer.

Be that as it may, keeping in view that report dated 05.08.2015 was based on the statements of the complainants and they have not inculcated the petitioner, the petitioner is entitled for interim protection.

Notice of motion for 01.02.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

Learned counsel for the petitioner has contended that the petitioner has since joined the investigation and has fully co-operated in the investigation.

Learned counsel for the State, on instructions from DSP Rahul Dev, has stated that the petitioner has since joined investigation and that he is no longer required for further custodial interrogation as of now.

In view of the above, the order dated 04.01.2022 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

**(ALKA SARIN)
JUDGE**

01.02.2022
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO