

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-2671-2022

Date of decision: 05.09.2023

Pardeep Dahiya

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ramesh Malik, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.308 dated 06.12.2021 under Sections 332, 353 and 427 of the Indian Penal Code, 1860, registered at Police Station Civil Lines, Rohtak, District Rohtak.

2. On 21.01.2022, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel contends that the petitioner being an accused in case FIR No.305 dated 04.12.2021 registered under Sections 323, 506, 354-A and 34 IPC at Police Station Civil Lines, Rohtak, was granted the concession of pre arrest bail by this Court vide order dated 04.01.2022 (Annexure P-8) and the present case has been lodged by complainant, Head Constable Anil Kumar, who visited the house of the complainant-Sangeeta wife of Giriraj, upon information that accused Pardeep is roaming around her house. As per allegations, the petitioner confronted the police officer and attempted to run over him with his car. Learned counsel has argued that the petitioner has been falsely implicated, and in the alleged occurrence only simple injury was suffered by the complainant.”

3. Learned counsel for the petitioner submits that in compliance of order dated 21.01.2022, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Manjeet, does not dispute the factum of the petitioner having joined investigation. However, he submits that the custodial interrogation of the petitioner would be required for the recovery of the car used in the alleged crime.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has admittedly joined investigation, hence, mere non-recovery of the car used in the crime cannot be a ground to deny him the concession of anticipatory bail and order his custodial interrogation instead.

7. Accordingly, the petition is allowed and interim order dated 21.01.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

05.09.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No