

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

208

CRM-M-4327-2022

Date of Decision: 20.02.2023

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Dinesh Morya, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by L/ASI Pinki)**JAGMOHAN BANSAL, J. (ORAL)**

On 28.04.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in case FIR No.137 dated 31.03.2019, registered for offences under Sections 341, 354-D, 366, 506, 511, 120-B and 34 of the Indian Penal Code, 1860, at Police Station City Mahendergarh, District Mahendergarh.

Counsel for the petitioner submits that although in the title of the complaint, the name of the petitioner has been mentioned as one of the accused, but no role has been ascribed to him in the complaint on the basis of which FIR has been registered. He submits that the main accused is Ankit, who has been granted the concession of anticipatory bail by this Court vide orders dated Annexures P-1 and P-2. He submits that the petitioner, who is a young boy of 24 years of age and enjoys a clean past, is ready to join the investigation.

Upon instructions received from Inderjeet, State counsel submits that though warrants were issued for the arrest of the petitioner, but he was never declared a proclaimed offender.

List on 19.10.2022.

The petitioner shall appear before the Investigating Officer at Police Station City Mahendergarh, District Mahendergarh on 11.05.2022 at 10:00 A.M. and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, on instructions from L/ASI Pinki, submits that the petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 28.04.2022 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.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

20.02.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

