

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

206

CRM-M-6929-2023 (O&M)

Date of decision: 21.03.2023

DEVENDER

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : Mr. Rakesh Kumar Lathwal, Advocate  
for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

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AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.719 dated 27.11.2022, under Sections 323, 506, 34 (Sections 325 and 308 added later on) of the Indian Penal Code, 1860 registered at Police Station Kharkhoda, District Sonapat (Haryana).

On 09.02.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No.719 dated 27.11.2022, registered under Sections 323, 506, 34 (Section 325, 308 added later on) of IPC at Police Station Kharkhoda, District Sonapat (Haryana).

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. His name surfaced on the basis of disclosure statement of the co-accused Akash, who was arrested and now, presently on bail. The allegations against the petitioner are of giving slaps and fist blows, whereas the injuries inflicted on the head and hand of the

complainant are attributed to the aforesaid co-accused. He further submits that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency.

Notice of motion for 21.03.2023.

At the asking of the Court, Mr. Tanuj Sharma, AAG, Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 15.02.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated. ”

Learned counsel for the petitioner submits that in pursuance of order dated 09.02.2023, of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions from SI Satbir Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 09.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be

at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)  
JUDGE

March 21, 2023

M.Kamra

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