

CRM-M-6852-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM-M-6852-2023

Date of decision:- 05.07.2023

Rakesh Kumar and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikas Gulia, Advocate and
Mr. Bhanu Udai, Advocate for the petitioners.

Mr. Munish Sharma, DAG, Haryana

SUVIR SEHGAL, J. (Oral)

1. On 09.02.2023, this Court passed the following order:-

“This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.21 dated 17.1.2023, under Section 148, 149, 341, 342, 379A, 506 IPC, Police Station Murthal, Sonipat.

Learned counsel for the petitioners contends that the incident leading to registration of the present FIR was on account of outburst of the inhabitants of the village Nandnaur, for the nuisance being faced by them by the rash and negligent driving of trucks involved in mining work allotted to M/s Zelkova Bulcon Pvt. Ltd. around village Nandnaur. Learned counsel submits that nothing is to be recovered from the petitioners and they are ready to join the investigation.

Notice of motion.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Adjourned to 4.5.2023.”

2. During the pendency of the petition, petitioner No.1 joined the investigation and by order dated 04.05.2023 passed by this Court, interim protection granted to him was made absolute.
3. Upon instructions received from ASI, Sandeep, State counsel submits that petitioner No.2 has also joined the investigation, cooperated with the investigation and is not required for custodial interrogation.
4. In view of the above, but without commenting upon the merits of the allegations, petition is allowed. Order dated 09.02.2023 is made absolute qua petitioner No.2 subject to satisfaction of conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

05.07.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No