

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-9010-2023
Date of decision: 11.04.2023

VICKY

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Tanuj Sharma, AAG, Haryana.

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 and 34 IPC (Sections 325 and 308 IPC added later on) registered at Police Station Kharkhoda, District Sonipat.

On 21.02.2023, this Court had passed the following order:-

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

Learned counsel contends that the petitioner is not named in the FIR and his name surfaced based on disclosure statement of co-

accused Akash. The main allegation of having caused injury on the head and hand of the Sohit were attributed to Akash and Eliash, who have been granted regular bail vide order dated 17.12.2022, Annexure P-2. The eye-witnesses namely Aakash and Manish also did not name the petitioner. Allegation against the petitioner is of giving fist blows. Co-accused Devender, who is similarly placed to petitioner has been granted interim anticipatory bail on 09.02.2023, Annexure P-1. Nothing is to be recovered from the petitioner as such his custodial interrogation is not required. Learned counsel submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

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 01.03.2023. 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. Adjourned to 11.04.2023 ”

Learned counsel for the petitioner submits that in pursuance of the above order, 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 ASI Balkar 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 21.02.2023 granting interim bail to him, are 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

11.04.2023
Mehak

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