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

**CRM-M-11143-2023 (O&M)
Date of Decision: 29.08.2023**

ARUN KUMAR**.. Petitioner****Vs.****STATE OF HARYANA****..Respondent****CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: None for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

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MAHABIR SINGH SINDHU, J.

1. Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.0166 dated 10.06.2022, under Sections 302, 328, 201, 120-B and 34 of the Indian Penal Code, 1860, registered at Police Station Salhawas, District Jhajjar, Haryana.
2. Above FIR was registered on the basis of statement made by complainant Jagbir with the allegations that petitioner Arun Kumar along with co-accused Amit and others facilitated the murder of complainant's brother, namely, Vijay, as victim's wife, namely, Bharti had illicit relations with co-accused Amit.
3. The Co-ordinate Bench, vide order dated 03.03.2023, granted interim bail to petitioner and the same reads as under:-

“This is a petition under Section 438 Cr.P.C., seeking anticipatory bail to the petitioner in FIR No.166, dated 10.06.2022, under Sections 302, 328, 201, 120-B and 34 of the IPC, registered at Police Station Sahlawas, District Jhajjar (Haryana).

Learned counsel for the petitioner contends that

there is an inordinate and unexplained delay of 6 months in lodging the FIR, as the brother of the complainant died on 19.12.2021 and was cremated in the presence of villagers, relatives, nears and dears but the present case was registered on 10.06.2022.

Notice of motion.

On the asking of Court, Mr. Gaurav Bansal, AAG, Haryana accepts notice on behalf of the respondent-State and seeks time to get instructions.

Adjourned to 10.07.2023.

In the meanwhile, the petitioner is directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on his joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

4. Although no one has appeared on behalf of the petitioner, but learned State Counsel, on instructions, fairly acknowledged that the petitioner has joined investigation and he is fully co-operating in the matter.
6. In view of above, interim order dated 03.03.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.
10. Pending applications, if any, also stand disposed off.

29.08.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No