

2023:PHHC:062251
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-12106-2023 (O&M)
Date of decision: 01.05.2023

SOMBIR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aakash Dalal, Advocate
for the petitioner

Mr. Tanuj Sharma, AAG Haryana

Mr. Lekh Raj Nandal, Advocate
for the complainant

AMAN CHAUDHARY. J.

1. On 10.04.2023, 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.36 dated 22.02.2023, registered under Sections 323, 452, 506, 427 and 509 of the IPC at Police Station Sadar Bahadurgarh, District Jhajjar.

Learned counsel contends that the petitioner and complainant are neighbours and it is on account of the grandson of the complainant, who had manhandled him, as captured in the CCTV footage that the altercation took place. The flower pot kept on the wall of the house of the petitioner had fallen and thus was not a case where the petitioner had hit the same. Petitioner is not involved in any other case. He 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.

Mr. Lekh Raj Nandal, Advocate puts in appearance on behalf of the complainant.

Meanwhile, the petitioner is directed to join the investigation on or before 18.04.2023. 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 01.05.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but 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.

3. Learned State counsel on instructions 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.

4. 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 10.04.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. 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

May 01, 2023

M.Kamra

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No