

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

210

CRM-M-13058-2023

Date of decision: 18.04.2023

Shivam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE AMAN CHAUDHARY

Present: Mr. Inderjeet Singh, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Anil Kumar Sharma, Advocate for the complainant.

AMAN CHAUDHARY, J. (Oral)

1. Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.44 dated 06.02.2023, under Sections 323, 324, 341, 506, 34 and 325 (added later on) of the Indian Penal Code, 1860 registered at Police Station Bilaspur, Yamuna Nagar.

2. On 16.03.2023, 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. 44 dated 06.02.2023, registered under Sections 323, 324, 341,506, 34 and 325 (added later on) at Police Station Bilaspur, Yamuna Nagar.

Learned counsel contends that the petitioner, who is 21 years old B.Com student, was not named in the FIR and it is in the disclosure statement of co-accused Rohit that his name surfaced, even as per which, no specific injury has been attributed to him. 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 investigation on or before 24.03.2023. 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 18.04.2023.”

3. Learned counsel for the petitioner submits that in pursuance of order dated 16.03.2023, 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.
4. Learned State counsel 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.
5. 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 16.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.
6. However, it is made clear that if the petitioner fails to join and cooperate with the investigating 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

18.04.2023
Harish Kumar