

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

202

CRM-M-14105-2023

Date of decision: 06.09.2023

Shyvam Kumar @ Shivam Rajput

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Munish Behl, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 20.03.2023, this Court had passed the following order:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.80, dated 25.02.2023, under Sections 148, 149, 323, 427, 452, 506 IPC, registered at Police Station Kurukshetra University, District Kurukshetra.

It has been contended by counsel for the petitioner that petitioner and the complainant both are the students of B.Tech and the alleged offence has taken place in the hostel. He has submitted that petitioners have no criminal antecedents and the alleged offence falls under the category of simple injuries, i.e. bruises and abrasions. He has submitted that petitioners have been falsely implicated in this case. He has relied upon judicial precedent of Hon'ble Apex Court in Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (Cr.) 449 and submits that in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion.

On the asking of the Court, Mr.B.S.Virk, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

List on 11.07.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating

Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- “(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;
- (ii) That the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) That the petitioner shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.”

2. Learned counsel submits that in pursuance of the aforementioned 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 from SI Prince affirms the factum of joining the investigation by the petitioner and cooperating with the investigating 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 20.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. 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

06.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No