

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-21919-2023
Date of decision: 16.08.2023

Virender

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Bhanu Udai, Advocate for the petitioner.

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

AMAN CHAUDHARY, J.

1. On 19.05.2023, this Court had passed the following order:-

“XX XX XX

Main case

5. Petitioner is seeking anticipatory bail in case bearing FIR No.475 dated 22.12.2022 under Sections 147, 149, 186, 341, 353, 427 IPC, registered at Police Station Murthal, District Sonipat.

6. Learned counsel for the petitioner contends that as per the allegations, the contract of mining unit for mining was allotted to one M/s Zelkova Buildcon. The material was being transported through the Panchayat road which was not suitable for movement of heavy vehicles. The allegations are to the effect that the petitioner along with others had caused obstruction in the transportation of the mining material on heavy vehicles from the said road. The petitioner along with others had instituted a writ petition challenging the order passed by the Gram Panchayat vide which it had permitted for transportation of the goods through that road. However, the said petition has been withdrawn with liberty to file fresh petition with better particulars. Moreover, on the basis of substantially similar allegations, another FIR No. 474 dated 22.12.2022 under Sections 147, 149, 186, 341, 353, 427 IPC, at Police Station Murthal, District Sonipat has been

registered against other villagers wherein they have been granted anticipatory bail by the Court of Sessions. The petitioner had not inflicted any injury and the FIR has been lodged on the basis of false allegations with regard to causing obstruction to the public servants.

7. Notice of motion.

8. Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State.

9. Adjourned to 16.08.2023.

10. Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

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 HC Arvind Kumar 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 19.05.2023 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.

16.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No