

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

204

CRM-M-22307-2023 (O&M)**Date of decision: 01.08.2023**

Virender

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr.Amritpal Singh , Advocate for the petitioner

Mr. Baljinder Singh Virk, Sr. DAG Haryana

Mr. PK Ganga, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 10.05.2023, 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 of FIR No.23 dated 06.02.2023, registered under Sections 147, 149, 323, 379-B, 427, 506 IPC at Police Station Baragudha, District Sirsa.

Learned counsel contends that the petitioner and the complainant were partners in the trade of liquor. However, subsequently they have established their own independent business of liquor vends. The allegations against the petitioner are of having entered the shop of the complainant, man-handled the staff, broken the mobile phone as also taken the DVR and about Rs.30,000/35,000/-. A reference is made to Annexure P-3, which is the reply submitted by the investigating agency before the Court below, wherein it has been stated that during investigation, no evidence has come forth regarding the allegation of snatching of money and the same was found to be false. He submits that only Section 506 IPC is non-bailable out of the offences alleged. It is submitted that though there were 6 cases against the petitioner, however, in 3 of them, he stands acquitted, in 1, cancellation report has been filed and accepted by the trial Court and in 1 case under Excise Act, the petitioner was not an accused and FIR No.99 dated 25.08.2017 is pending trial, wherein he is on bail. The petitioner is ready and willing to join investigation as and when required by the investigating agency

The petitioner is directed to join the investigation on or before 17.05.2023. In the event of his arrest, he shall be

released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as 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 20.07.2023.”

2. Learned counsel submits that in pursuance of the aforesaid 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 ASI Jaspal Singh 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 10.05.2023 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.

(AMAN CHAUDHARY)
JUDGE

01.08.2023

S.Sharma(syr)

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No