

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

211

CRM-M-25820-2023 (O&M)
Date of decision: 14.07.2023

Vicky

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kuldeep Singh Siwach, Advocate for the petitioner

Mr. Jagdish Manchanda, Additional AG Haryana

AMAN CHAUDHARY. J.

1. On 01.06.2023, 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.584 dated 02.06.2022, registered under Section 379 IPC at Police Station Barwala, District Hisar.

Learned counsel contends that the petitioner, who is 16 years and 8 months old has been falsely implicated in this case. His name surfaced based on disclosure statement of co-accused Rajesh Kumar, who was also implicated based on disclosure statements of Gagan @ Golu and Kitab Singh. The allegations levelled against the petitioner are of having stolen 3 pigs of the complainant. He relies on order dated 08.07.2020, passed in CRM-M-17856-2020, wherein the issue regarding maintainability of a petition for grant of pre-arrest bail in view of the Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is pending before the Division Bench of this Court for 10.07.2023, in which the interim protection granted vide order dated 08.07.2020 was made absolute vide order dated 05.12.2022 by the Division Bench. He makes a reference to the orders dated 03.12.2020 in CRM-M-37307-2020; 11.10.2021 in CRM-M-42768-2021; 02.06.2022 in

CRM-M-20035-2022; 30.06.2022 in CRM-M-27262-2022 and 09.08.2022 in CRM-M-22624-2022, whereby petitions filed by the juveniles were entertained and interim relief was granted. 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. Dhruv Sihag, AAG Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 08.06.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the 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 14.07.2023.”

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 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 01.06.2023 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

14.07.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No