

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

244 CRA-S-1741-2023 (O&M)
Date of decision: 04.09.2023

Tinku Tanwar ..Appellant

Versus

State of Haryana and another ..Respondents

CRA-S-1734-2023 (O&M)

Ranbir Singh and another ..Appellants

Versus

State of Haryana and another ..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. DPS Bajwa, Advocate for the appellants.

Mr. Dhruv Sihag, AAG, Haryana.

AMAN CHAUDHARY, J.

1. On 04.07.2023, this Court had passed the following order:-

“Learned counsel for the petitioners contends that the occurrence took place on 06.07.2022, however, the complaint was filed on 03.08.2022 based on which FIR was registered. The complainant neither in the complaint nor in the FIR stated that the petitioners were aware of the fact that he belongs to Scheduled Caste. Nothing is to be recovered and they are not involved in any case of similar nature. He places reliance on Hamidi vs. State of Haryana, 2022(1) RCR (CrL.) 240.

Status report by way of affidavit of Deputy Superintendent of Police, Kaithal has been filed, wherein it is stated that the investigation is going on.

Ms. Pallavi Babbar, Advocate puts in appearance and has filed her power of attorney on behalf of respondent No.2-complainant.

Meanwhile, the petitioners are directed to join the investigation on or before 11.07.2023. In the event of their arrest, they 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 petitioners do 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 04.09.2023.

Copy of the order be placed on the file of the connected case.”

2. Learned counsel submits that in pursuance of the aforementioned order, the appellants have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the appellants to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions from DSP Lalit Kumar affirms the factum of joining the investigation by the appellants and cooperating with the investigating agency. He also submits that at this stage, the appellants are not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, the present appeals are allowed and the order dated 04.07.2023 granting interim bail to them, 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 appellants fail 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 them.

6. Photocopy of this order be placed on the connected file.

(AMAN CHAUDHARY)
JUDGE

04.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No