

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215

CRM-M-33062-2023

Date of decision: 29.08.2023

Nishu Rawal

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Mohit Aneja, Advocate for the petitioner.

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

AMAN CHAUDHARY, J.

1. On 13.07.2023, 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.914 dated 22.11.2022 registered under Sections 148, 149, 323, 324, 506 IPC (Sections 325, 326 and 307 IPC added later on) at Police Station Panipat City, District Panipat.

Learned counsel contends that there is no specific attribution of any injury having been caused by the petitioner. It is only in the disclosure statement of co-accused Ritesh, Robin and Vishal that his name has surfaced and it was stated that he along with Mohit were armed with sword. As per the FIR, coaccused Mohit is stated to have called the complainant to the spot. Thus, it is debatable as to who had caused the injury with a sharp-edged weapon, which is a matter of trial. Co-accused Vipin Maan has been granted the concession of interim anticipatory bail vide order dated 14.02.2023, Annexure P-6. Petitioner is not involved in any other case and 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. Jagdish Manchanda, Additional AG Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 20.07.2023. 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 29.08.2023.”

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. Status report has been filed today in Court. The same is taken on record. Learned State counsel on instructions from SI Dharamvir 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.

5. 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 13.07.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

6. 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.

29.08.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No