

CRM-M-33329-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33329-2023 (O & M)

Date of decision: 13.10.2023.

Rajesh Kumar

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.P. Dhull, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The petitioner seeks the grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.514 dated 29.08.2020 under Sections 285, 323, 452, 506, 34 IPC registered at Police Station Samalkha, District Panipat, Haryana.

On 14.07.2023, the following order was passed:-

“The petitioner seeks grant of anticipatory bail in case bearing FIR No.514 dated 29.08.2020 registered under Sections 285, 323, 452, 506, 34 IPC at Police Station Samalkha, District Panipat.

The learned counsel for the petitioner contends that two of the co-accused of the petitioner namely, Charan Dass alias Banti & Manoj have been granted the concession of anticipatory bail by this Court vide order dated 15.11.2021 (Annexure P-2). Suresh and Sandeep were arrested and have

since been released on regular bail. Even otherwise, the report under Section 173(2) Cr.P.C. stands submitted against all the four accused. One Sushil against whom there are allegations of having fired has not been arrested.

Notice of motion for 06.10.2023.

Mr. S.K. Panwar, Addl. A.G., Haryana accepts notice on behalf of the respondent-State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, the State is directed to file an affidavit/reply as to the exact role of the petitioner and his co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing”.

On 06.10.2023, the following order was passed:-

“The reply dated 06.10.2023 filed on behalf of the respondent-State is taken on record.

The petitioner is directed to join the investigation once again tomorrow i.e. 07.10.2023 in terms of the order dated 14.07.2023.

To come up on 13.10.2023.

Interim order to continue”.

Despite availing multiple opportunities to join the investigation, the petitioner has not joined the same. Therefore, the present petition stands dismissed.

Interim order dated 14.07.2023 is hereby vacated.

(JASJIT SINGH BEDI)
JUDGE

October 13, 2023
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No