

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

220

CRM-M-35287-2023
Date of decision: 11.09.2023

Ayyub Khan

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. DS Matya, Advocate for the petitioner.

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

AMAN CHAUDHARY, J.

1. On 24.07.2023, 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.329 dated 04.11.2022, registered under Sections 148, 149, 323, 324, 427, 452, 506, 325 and 307 IPC at Police Station Nagina, District Nuh.

Learned counsel contends that it is a case of version and crossversion. The FIR No.348 dated 18.11.2022 was registered regarding the said incident dated 03.11.2022, Annexure P-2. The injury attracting offence under Section 307 IPC is attributed to co-accused Salim having inflicted on the head of the injured Deen Mohammad. The petitioner though named in the FIR, however, no specific injury has been attributed to him, which in the statement, recorded under Section 161 CrPC, of Sarfudeen-injured was attributed over the head, which has been opined as grievous in nature. It is a dispute between the parties on account of the fact that allegedly the accused were nursing a grudge with the complainant party due to losing of Sarpanch elections. In all there are 66 persons, who have been named in the case, out of whom, many have been granted the concession of anticipatory bail as well as regular bail. 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 31.07.2023. 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 11.09.2023.”

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. Learned State counsel on instructions from ASI Vijay 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 24.07.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

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

11.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No