

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39090-2023
Date of decision: 09.11.2023

RAJESH KUMAR

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA J. (ORAL)

On 10.08.2023, the following order was passed by this Court:-

“Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No.68 dated 13.02.2023, registered under Sections 287, 337 IPC and Sections 304-11, 34 IPC added later on, at Police Station Model Town, District Rewari.

Learned counsel for the petitioner submits that the petitioner is a labourer and has falsely been implicated in the present case; that the petitioner was only looking after the Jhoola in the fare, which was to run between 16.01.2023 to 20.02.2023, for which the permission was granted by the Deputy Commissioner, Rewari, vide letter dated 31.01.2023; that the Jhoola was working properly for the last one month. but somehow due to a technical defect accidentally Seema (since deceased) wife of the complainant lost her life and Muskan- daughter and Pari-niece of the complainant suffered injuries and that the petitioner has no role to play in the said accident.

Notice of motion for 18.09.2023.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

2. Today, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 10.08.2023 and is no longer required for further investigation.

3. In view of the aforesaid, the order dated 10.08.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

November 09, 2023
manisha

(DEEPAK GUPTA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No