

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

208

CRM-M-43426-2022

Date of decision: 05.09.2023

Khalid Hussain @ Khalid

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Palvi, Advocate for
Mr. Mazlish Khan, Advocate, for the petitioner.

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

AMAN CHAUDHARY, J

1. On 09.05.2023, 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 of FIR No. 121 dated 10.03.2022, registered under Sections 148, 149, 323, 341, 285, 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act (Section 307 IPC added later on) at Police Station Sadar Tauru, District Nuh.

Learned counsel contends that it is a case of version and cross version. The allegation levelled by the petitioner against the complainant party in particular accused Amir is to have fired upon the petitioner and FIR No. 123 dated 11.03.2022 was registered under Sections 148, 149, 323, 324, 341, 285 and 506 of IPC and Section 25 of the Arms Act who has since been granted concession of anticipatory bail vide order dated 25.08.2022. The dispute between the petitioner and the complainant is due to party faction otherwise both are well known to each other having no previous enmity. He submits that the petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Adjourned to 10.07.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 16.05.2023. In the event of

his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of 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. ”

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 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 09.05.2023 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.

05.09.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No