

DEVENDER KUMAR @ DAVENDER KUMAR ...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bipin Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

Mr. Harmajit Singh, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in the case bearing FIR No.364 dated 18.08.2022, under Sections 306/506/34 IPC, 1860 registered at Police Station Chand Hut, District Pawal.

On 12.10.2022, the following order was passed:-

“Status report by way of an affidavit of Deputy Superintendent of Police, Hodal, District Palwal has been filed on behalf of the respondent/State in Court today and the same is taken on record.

A perusal of the same would show that in Para 6 of the affidavit, it has been stated that the deceased had taken an amount of Rs.7,50,000/- in pursuance of one agreement to sell and also Rs.8,90,000/- in pursuance of another agreement to sell, the total of which comes to Rs.16,40,000/-.

The learned Senior Counsel for the petitioner has stated that a perusal of Annexure P-6 would show that in the suicide note itself the deceased has stated that he had taken an amount of Rs.5,00,000/- and now the accused persons are compelling him to give large amount of money, and therefore, the suicide note itself is contrary to the factual position given by the State in the affidavit. Learned State counsel has prayed for some more time to file a better affidavit in this regard.

Learned counsel for the complainant has also prayed for some time to place on record some documents of the bank entries to substantiate his case.

In view of the aforesaid position, it is directed that till the next date of hearing, the arrest of the petitioner shall remain stayed.

Adjourned to 15.12.2022. ”

Subsequently, on 21.12.2022, it was pointed out that as the arrest of the petitioner was stayed but the I.O. did not permit the petitioner to join the investigation as there was no direction from the Court.

Learned State counsel had stated that the instructions issued by the Director General of Police, Haryana have been brought to the notice of the I.O whereby it has been directed that even when there is an order of the Court for stay of arrest and in case, there is no direction for joining the investigation, that will not mean that the I.O will not permit the accused to join the investigation.

Learned Senior counsel submits that in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from SI Jai Kishan, learned State counsel has not disputed the aforesaid assertions and further submits that the petitioner has joined the investigation and his custodial interrogation is not required.

In these set of circumstances, the petition is allowed, it is directed that in the event of arrest, the petitioner be admitted on bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with conditions as specified under Section 438(2) Cr.P.C.

14.03.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No