

2023:PHHC:141523

211(3) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42537-2023

Date of decision: 06.11.2023

OMKAR SINGH

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Lalit Kumar Narang, Advocate for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. C.M. Munjal, Advocate for the complainant.

DEEPAK GUPTA J. (ORAL)

On 14.09.2023, following order was passed by this Court:-

“Reply dated 14.09.2023 filed by way of affidavit of the Deputy Superintendent of Police, Yamuna Nagar-III, filed in the Court today, is taken on record.

In pursuance of the order dated 28.08.2023, Mr. Parmod Kumar, Deputy Superintendent of Police, Yamuna Nagar-III, is present in the Court. He apprises this Court of the fact that as per the report of Tehsildar, Chhachhrauli, due to bona fide mistake, name of the petitioner has been shown as owner of the property in dispute and that is why, no steps have been taken to investigate the revenue officers/officials. He also states that investigation is still going on and proper steps will be taken.

Learned counsel for the complainant seeks time to file a detailed reply.

Adjourned to 06.11.2023.

Presence of the DSP is exempted till further orders.

Meanwhile, the petitioner is directed to join 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) Cr.P.C.

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

- 2. A categorical stand has been taken by the respondent-State that the petitioners have already joined the investigation, in compliance of the order dated 14.09.2023.
- 3. Today, learned State counsel, on instructions from S.I. Subhash, has further stated that custodial interrogation of the petitioners is not required.
- 4. In the face of the aforesaid statement made by learned State counsel, the objection of learned counsel for the complainant, so as not to make the order dated 14.09.2023 absolute, is hereby declined.
- 5. In view of the aforesaid, the order dated 14.09.2023, whereby the petitioners were granted interim anticipatory bail, is hereby made absolute.
- 6. However, they shall continue to join investigation, if and so required by the Investigating Officer.
- 7. Disposed of.

November 06, 2023
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(DEEPAK GUPTA)
JUDGE

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