

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

CRM-M No.43068 of 2023

Date of decision: 30th November, 2023

Suresh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akshay Jinda, Mr. Pankaj Gautam & Mr. Ajay Kumar,
Advocates for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.97 dated 01.06.2023 registered under Sections 306 and 34 of the IPC at Police Station Machhrauli, District Jhajjar.

2. On the last date of hearing, i.e. 31.08.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned senior counsel for the petitioner, while drawing the attention of this Court to the allegations levelled in the FIR, which has been reproduced in the body of the petition, inter alia, contends that perusal of the same reveals that there was no allegation much less by way of a whisper, levelled against the petitioner. He submits that it was subsequently that the petitioner was arrayed as an

accused and that too for allegedly snatching ₹ 85,500/- from the deceased, which in turn, was handed over to a police official. Learned senior counsel submits that even in the worst case scenario, assuming, though not conceded, that the said amount had indeed been snatched by the petitioner, it would not invite the mischief of an offence under Section 306 of the IPC.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 31.08.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from P/SI Amit, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 31.08.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

November 30, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No