

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

209

CRM-M-44328-2023**Date of decision: 10.10.2023**

Mohit

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY*********

Present : Mr. Nishant Arora, Advocate
for the petitioner

Mr. Jagdish Manchanda, Addl. AG, Haryana

***********AMAN CHAUDHARY. J.**

1. On 05.09.2023, 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 FIR No.23 dated 20.01.2023, registered under Sections 148, 149, 323, 452 and 506 IPC (Section 307 IPC added later on) at Police Station Sadar Sonapat, District Sonapat.

Learned counsel contends that the petitioner alongwith 5/6 co-accused, who were named in the FIR and shown to be armed with sticks and rods, started fighting with the complainant party, however, no specific injury caused, has been attributed to the petitioner. However, injury with the shovel that was inflicted on the temple of Dharam Pal, was attributed to co-accused Sahil, who is in custody. Co-accused Ajit Kaur and Amit, against whom there were similar allegations, have been granted interim anticipatory bail vide orders dated 17.07.2023, Annexures P-5 & P-6 and co-accused namely Mahabir, Satish, Jai Bhagwan and Dalbir @ Dalbir

Singh have also been granted regular bail vide orders dated 17.07.2023, 01.08.2023 and 17.07.2023, Annexures P-7 to P-9. Due to enmity with the co-accused Ajit Kaur and Dalbir, the complainant side got the present case registered. In the complaint registered at the hands of the petitioner party, no action has been taken yet. The petitioner also received injury, for which medical was conducted, Annexure P-3. He is not involved in any other case. He is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

Notice of motion.

At the asking of the Court, Mr. Jagdish Manchanda, Addl. AG, Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 15.09.2023. 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.

Adjourned to 10.10.2023.”

2. Learned counsel submits that in pursuance of the above 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 on instructions from SI Ramesh Kumar 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 05.09.2023 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.

10.10.2023
Mehak

(AMAN CHAUDHARY)
JUDGE

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