

CRA-S-2554-2023 (O&M)

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233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2554-2023 (O&M)

Date of Decision: 12.12.2023

RAMESH KUMAR

...Appellant

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the appellant.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. Through instant appeal, the appellant is seeking pre-arrest bail in case bearing No. 182 dated 04.06.2021, registered under Sections 147, 148, 149, 323, 342, 365, 451 and 506 of Indian Penal Code, Section 3 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 and Section 25 of Arms Act 1959 (Sections 120-B and 452 of IPC were added later on), at Police Station Agroha, District Hisar.

2. On 13.09.2023, following order was passed:

“The present appeal has been filed for grant of pre-arrest bail to the appellant in case FIR No.182 dated 04.06.2021, registered under Sections 147, 148, 149, 323, 342, 365, 451, 506 IPC and Section 3 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 25 of Arms Act, 1959 (during investigation Sections 120-B and 452 IPC added later on), at Police Station Agroha, District Hisar.

Learned counsel contends that the appellant has neither been named in the FIR nor in the statement of complainant made before the trial Court while appearing as PW-1. He was not present at the time of the alleged occurrence. His name surfaced only on basis of disclosure statement of co-accused-Chander

Mohan. The appellant 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 appellant is directed to join the investigation on or before 21.09.2023. 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 appellant 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 09.11.2023.”

3. Learned State counsel, on instructions from Deputy Superintendent of Police Sanjiv Kumar submits that in compliance of order dated 13.09.2023 passed by this Court, the appellant has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 13.09.2023, is made absolute. The appellant shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The appeal is accordingly allowed.

(HARPREET SINGH BRAR)
JUDGE

12.12.2023
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No