

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

**CRM-M-53948-2022
Date of Decision: 31.01.2023**

Parvinder @ Binder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Amrik Narwal, D.A.G., Haryana,

HARSH BUNGER J. (ORAL)

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.305 dated 21.08.2022 (Annexure P-1), under Sections 148, 307, 397, 427, 436, and 506 read with Section 149 IPC and Section 25 of Arms Act, 1959, registered at Police Station Sadar Safidon, District Jind.

On 21.11.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Inter alia contends that in the present case, the petitioner has not been named in the present FIR and he has been named in the disclosure statement of co-accused Amit @ Mitta and no specific overt act has been attributed to the present petitioner. It is submitted that the matter has been

compromised and the complainant Rahul as well as both the owners of the liquor vend i.e., Sahil and Arvind have specifically given affidavits to the effect that the liquor vend had suddenly caught fire and they have no objection in case the present petitioner is granted concession of anticipatory bail.

Learned counsel appearing for the complainant has reiterated the fact that the matter has been compromised and he has no objection in case the present petition is allowed.

Notice of motion for 11.01.2023.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Thereafter, on 11.01.2023, the following order was passed by this Court :-

“ Learned State counsel, on instructions from Sub Inspector Dilbag Singh, submits that pursuant to order dated 21.11.2022, the petitioner has not joined the investigation, which fact is also not denied by learned counsel for the petitioner.

It is submitted by learned counsel for the petitioner that another opportunity may kindly be granted to the petitioner to join the investigation.

Accordingly, the petitioner is directed to join the investigation on 17.01.2023 at 11:00 A.M. at the concerned Police Station.

List on 31.01.2023.

Interim order dated 21.11.2022 to continue till the next date of hearing only. ”

Learned counsel for the petitioner submits that pursuant to the

aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Sub Inspector Dilbagh Singh, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and order dated 21.11.2022, passed by a co-ordinate Bench of this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

31.01.2023
mkkoundal

(HARSH BUNGER)
JUDGE

***Whether speaking/reasoned* : Yes/No**

***Whether reportable* : Yes/No**