

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

246

CRM-M-57453-2022
Date of decision: 04.05.2023

KAMAL

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

AMAN CHAUDHARY. J.

On 09.12.2022, this Court had passed the following order:-

“Apprehending his arrest in FIR No.403 dated 15.11.2021 registered under Sections 148/149/323/324/506 IPC (Section 326/34 IPC added later on & Sections 148/149 IPC deleted later on) at Police Station Chandhat, District Palwal, Haryana, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the only allegation qua the petitioner is that he was part of unlawful assembly and there is no attribution of any injury qua the petitioner.

Notice of motion returnable for 04.05.2023.

On the asking of the Court, Mr. Sumit Jain, Addl.AG, Haryana, appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer.

As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C. ”

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.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

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 09.12.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.

However, it is made clear that if the petitioner fails to join and cooperate with the investigation 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.

(AMAN CHAUDHARY)
JUDGE

04.05.2023

<i>Mehak</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No