

2023:PHHC:057712
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-60283-2022 (O&M)
Date of decision: 24.04.2023

KRISHAN KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vinod Ghai, Sr. Advocate with
Ms. Chahat Aggarwal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

Mr. Johan Kumar, Advocate
for the complainant.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.632 dated 15.11.2022, under Sections 279, 323, 336, 506 and 34 of the Indian Penal Code, 1860 (Sections 148, 149, 120-B and 307 IPC added later on and Section 34 IPC was deleted) registered at Police Station City Gohana, District Sonipat.

On 02.03.2023, this Court had passed the following order:-

“The status report filed by way of an affidavit of Mukesh Kumar, ACP, Assistant Commissioner of Police, Police Station, City, Gohana, District Sonapat dated 01.03.2023 is taken on record.

Adjourned to 24.04.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 08.03.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance 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.”

Learned counsel for the petitioner submits that in pursuance of order dated 02.03.2023 of this Court, the petitioner has not only joined investigation but has 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 from ASI Ajay Kumar 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 02.03.2023 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

April 24, 2023

M.Kamra

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