

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

**CRM-M-60794-2022
Date of Decision: 31.01.2023**

Dharambir

..... 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 Sections 25 of Arms Act, registered at Police Station Safidon, District Jind.

On 26.12.2022, the following order was passed by a co-ordinate Bench of this Court :-

“ Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 148, 307, 397, 427, 436, 506 read with Section 149 IPC and Sections 25, 54 and 59 of the Arms Act, in a case arising out of FIR No. 305, dated 21.08.2022, registered at Police Station

Safidon, Jind.

On oral request of learned counsel for the petitioner, complainant, namely, Rahul @ Sagar s/o Sh. Dalsher r/o Village Anchra Kalan, is impleaded as party in the present petition. He undertakes to supply the amended memo of parties to the Registry within ten days from today.

Learned counsel contends that as per FIR petitioner-Dharambir and one co-accused Sumit @ Chotala are alleged to have taken away an amount of Rs. 8-10 thousand on gun point from the liquor vend, where the complainant was working. Counsel refers to order dated 05.12.2022 (Annexure p-3) passed by the co-ordinate Bench of this Court in CRM-M-56447-2022 titled as ‘ Sumit @ Chotala vs. State of Haryana’ whereby similarly situated Sumit @ Chotala, has been granted ad interim anticipatory bail.

Said order dated 05.12.2022 says as under:

“ Inter alia contends that in the present case, the petitioner has been named in the present FIR, but as per the statements dated 08.11.2022 of the complainant Rahul @ Sagar, as well as that of Arvind and Sahil, it has been stated that the liquor vend had suddenly caught fire and they have no objection in case the present petitioner is granted concession of anticipatory bail. It is submitted that Rahul @ Sagar is the complainant and owners of the liquor vend are Arvind and Sahil.

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.

To be heard along with CRM-M-53948-2022.

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.”

Notice of motion.

On asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State.

At this stage, Mr. Vishal Yadav, Advocate, appears and accepts notice on behalf of complainant/respondent No. 2.

Adjourned to 11.01.2023.

In the meanwhile, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. Petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.

However, said interim order of bail would be subject to the deposit of an amount of Rs.15,000/- in the office of District Legal Services Authority, Jind, as the petitioner has succeeded in drawing the benefit of getting bail, more for the reason of entering into compromise with the complainant, despite of being accused in the criminal case. ”

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 26.12.2022, 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