

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-2232 of 2024
Date of Decision: February 16, 2024

Jayant Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present : Mr. Narender Kaajla, Advocate
for the petitioner

Ms. Geeta Sharma, DAG Haryana

Harpreet Singh Brar, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.546 dated 07.10.2023 under Sections 148/149/384/452/506 of IPC registered at Police Station City Fatehabad.

2. On 16.01.2024, the following order was passed :-

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.546 dated 07.10.2023 under Sections 148/149/384/452/506 of IPC registered at Police Station City Fatehabad.

Learned counsel for the petitioner inter alia contends that the petitioner is not named in the FIR and he has no connection with the alleged occurrence and he has been involved on the basis of disclosure statement made by the co-accused while he was in police custody which has no evidentiary value in the eyes of law. The maximum sentence under the offence in which the FIR is lodged is

punishable upto seven years. He further submits that the petitioner was never served with the notice under Section 41-A of IPC.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/ Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 16.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. ”

3. Learned State counsel, on instructions from ASI Krishan Kumar, states that pursuant to order dated 16.01.2024, the petitioner has joined the investigation and is no more required for custodial interrogation.
4. In view of the statement of learned State counsel, order dated 16.01.2024 is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.
5. Petition stands disposed of.
6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

February 16, 2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No