

2024:PHHC:048120

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

211

CRM-M-4866-2024
Date of Decision : 09.04.2024

MOHIT KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sourabh Sheoran, Advocate,
for the petitioner.

Mr.Avinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On 31.01.2024, the following order was passed by this

Court:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.913, dated 24.12.2023, under Sections 147, 149, 323, 447, 506 and 120-B of IPC, registered at Police Station Narnaul, District Mahendergarh.

The allegation against the petitioner is that the he forcefully entered into the joint property of the complainant, and started the construction of an unauthorized wall, and upon resistance by the complainant, all the accused persons caused injuries to the complainant.

Learned counsel for the petitioner submits that the petitioner was neither named in the FIR, nor he has any concern with the property in question.

He further submits that the main accused-Hoshiyar Singh who was named in the FIR, has already been granted the relief of pre-arrest bail by the learned trial Court concerned, vide order dated 30.12.2023 (Annexure P-3).

He further submits that the CCTV footage as collected by the investigating agency, does not figure out the petitioner's presence at the place of occurrence.

Notice of motion.

Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of respondent-State and waives service.

Adjourned to 09.04.2024.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to

the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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.”

2. Learned State counsel, on instructions imparted to him by ASI Sanjay, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is allowed, and order dated 31.01.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

April 09, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No