

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

296

CRM-M-5864-2024
Date of Decision: 13.03.2024

Yogesh

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kartik Khicher, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

None for the complainant.

SUMEET GOEL, J. (Oral)

1. On 05.02.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 1342 dated 19.12.2023 registered for offences punishable under Sections 306, 34 IPC at Police Station HTM Hisar, District Hisar, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the allegation made against the petitioner do not invoke an offence under Section 306 of IPC; petitioner has joined in the inquiry proceedings before the police on 19.12.2023 and 21.12.2023 when the petitioner was called upon by the police & the petitioner is willing to join investigation and cooperate therein. Learned counsel for the petitioner, in order to buttress his arguments, has relied upon the judgment by the Hon'ble Supreme Court rendered in 'Mohit Singhal & Anr. Versus The State of Uttarakhand & Ors' Criminal Appeal No. 3578 of 2023.

Notice of motion.

On asking of the Court, Ms. Priyanka Sadar, AAG, Haryana appears and accepts notice on behalf of the respondent-State.

Mr. Amit Kumar, Advocate has filed vakalatnama for the complainant. The same be taken on record.

Adjourned to 13.03.2024.

The petitioner is directed to appear before the Investigating Officer on 08.02.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C”.

2. Learned State counsel, on instructions from ASI Yashpal, has stated that pursuant to the order dated 05.02.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
3. In view of above, the present petition stands allowed and the interim order dated 05.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
4. This order should not be treated as “blanket” order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violate any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
6. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

13.03.2024
D.Bansal

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No