

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217 CRM-M-11797-2024 (O&M)
Date of Decision:08.04.2024

BHAJAN LALPetitioner

Vs.

STATE OF HARYANARespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.K. Tripathy, Advocate
for the petitioner.

Mr. Sumit Jain, Additional AG, Haryana
assisted by SI Nihal Singh.

DEEPAK GUPTA, J.(ORAL)

On 06.03.2024, following order was passed:

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.247 dated 15.10.2020 registered under Sections 307, 34 IPC and Section 25 of the Arms Act at Police Station Chhainsa, District Faridabad.

Learned counsel for the petitioner, inter alia, contends that injured is the real brother of the petitioner and the petitioner has named one Sunil Malik as one of the assailants, who fired upon his brother. However, now the investigating agency is trying to implicate the petitioner on the ground that his tower location indicates his presence near the place of occurrence and the polygraph test of Sunil Kumar is truthful. The brother of the petitioner has already approached this Court by filing CRM-M No.1645 of 2021 seeking fair and unbiased investigation in the FIR (supra).

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 and opposes the prayer for grant of anticipatory bail to the petitioner.

*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, petitioner is directed to appear before the Investigating Officer on or before 13.03.2024 and on his doing so or in the event of arrest, 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 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 Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 08.04.2024.

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. ”

Today learned State counsel, on instructions from SI Nihal Singh submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 06.03.2024 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

08.04.2024

pry

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No