

CRM-M-13213-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13213-2024
Date of decision: 16.04.2024

Kushal minor through natural guardianPetitioner.

Versus

State of Haryana ...Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ajit Kumar Sharma, Advocate,
for Mr. Ram Darshan Yadav, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana

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SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 438 Cr.P.C,
the petitioner seek anticipatory bail in case FIR (Annexure P-1) as
under: -

FIR No.	Dated	Sections	Police Station
51	19.02.2024	148/149/323/325/379-B and 506 IPC (120-B IPC added later on)	Dharuhera, District Rewari Haryana

2. Learned counsel for the petitioner submits that in
compliance to the order dated 14.03.2024, the petitioner has joined the
investigation.

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3. During the course of hearing on 14.03.2024, following order has been 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.51 dated 19.02.2024 registered under Sections 148, 149, 323, 325, 379B, 506 IPC (Section 120-B IPC added later on) at Police Station Dharuhera, District Rewari.

Learned counsel appearing for the petitioner inter alia contends that at the time of alleged incident, the petitioner was less than 18 years of age and he is not named in the FIR. There is nothing on record to prove his complicity in the alleged incident and he is not involved in any other case.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, 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; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, at the first instance, petitioner is directed to appear before the Investigating Officer on or before 20.03.2024 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

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cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 Cr. PC.

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 16.04.2024.

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'

4. Learned State counsel, on instructions from SI Amit Kumar, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 14.03.2024 passed by this Court, interim bail granted vide order dated 14.03.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

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6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.04.2024
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(SANJIV BERRY)
JUDGE

- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No