

210 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-13355-2024 (O&M)
Date of Decision: 16.04.2024

Monu Yadav

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sunil Kumar Dhanda, Advocate,
for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.347 dated 30.12.2023 registered under Sections 147, 323, 384 and 506 read with Section 149 IPC, at Police Station, Rampura, District Rewari

2. Allegations are that petitioner along with co-accused formed an unlawful assembly and in prosecution of common object of said assembly caused injuries to informant Rinku as well as her brother-in-law Akshay and while leaving the spot, they threatened the informant with dire consequences.

3. Learned counsel submits that petitioner was granted interim bail vide order dated 15.03.2024 and in pursuance of that, he has joined investigation, therefore, his custodial interrogation is not required.

4. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of petitioner is not required, at this stage.

5. Heard learned counsel for the parties and perused the paper-book.

6. A Coordinate Bench of this Court vide order dated 15.03.2024, granted interim bail to petitioner and the same reads as under:-

“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.347 dated 30.12.2023 registered under Sections 147, 149, 323, 384 and 506 IPC at Police Station Rampura, Rewari, Haryana.

Learned counsel appearing for the petitioner inter alia contends that name of the petitioner was not figured in the FIR and the offence under which the FIR is registered, is triable by the Magistrate. It is further contended that the maximum punishment provided for the offence alleged to be committed in the FIR (supra) is upto 3 years and no notice under Section 41-A Cr.P.C was served upon the petitioner. As such, in view of the ratio of law culled out in the judgment rendered by the Hon’ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51, petitioner is entitled for bail.

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; 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 21.03.2024 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 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.”

7. In pursuance of aforesaid order, petitioner has joined investigation and his custodial interrogation is not required. Thus, interim order dated 15.03.2024 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.
8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
9. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
10. Disposed off accordingly.
11. Pending criminal misc. application(s), if any, shall also stand disposed off.

16.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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