

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M-16609-2024
Date of decision: 28.05.2024

MOHAN ALIAS MONU

...PETITIONER

V/s

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Alisha Chauhan, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Sandeep Gehlawat, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.525 dated 05.09.2022, registered for the offences punishable under Sections 304-B, 34 & 498-A of IPC (Section 34 of IPC was deleted later on) at Police Station Tosham Bhiwani, District Bhiwani (Haryana).
2. On 05.04.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 525 dated 05.09.2022 registered for offences punishable under Sections 304-B,34 and 498-A IPC (Section 34 IPC was deleted later on) at Police Station Tosham, Bhiwani District Bhiwani; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail. Inter alia contends that the petitioner was exonerated by the police during the course of investigation; petitioner has now been summoned to face trial as an additional accused by the trial Court by invoking powers under Section 319 of Cr.P.C; petitioner is not required for custodial interrogation & the petitioner is willing to

appear before the trial Court and join trial proceedings in accordance with law.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana appears and accepts notice on behalf of the respondent-State. Adjourned to 08.05.2024.

he petitioner is directed to appear before the concerned trial Court on or before 24.04.2024. Upon such appearance been made by the petitioner, he shall be admitted to interim bail.”

3. Learned counsel appearing for the petitioner has submitted that the petitioner has duly entered appearance before the concerned Court on 24.04.2024, whereinafter, the petitioner was admitted to interim bail.

4. Learned State counsel, on instructions from SI Umed Singh, has stated that pursuant to the order dated 05.04.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

5. Keeping in view the entirety of facts and circumstances of the case especially that the petitioner (herein) has been summoned to face trial as an additional accused in terms of Section 319 of Cr.P.C. & the petitioner has already entered appearance, the present petition is allowed & the interim order dated 05.04.2024 passed by this Court is hereby confirmed, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner 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.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 28, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No