

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-19458-2024 (O&M)
Date of decision: 13.05.2024

SANDEEP KUMAR

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

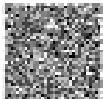
Present : Mr. Sparsh Chhibber, Advocate for
Mr. Ashish Kumar, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing, i.e. 20.04.2024, the following order was
passed:-

- “1. At the very outset, the learned counsel for the petitioner submits that, during investigation, offence under Sections 363 and 120-B of the IPC have been added in the present FIR. Therefore, on oral request of the learned counsel for the petitioner, offence under Sections 363 and 120-B of the IPC are ordered to be added in the head-note and prayer clause of the instant petition, besides at all other place(s) in the petition, where they are required to be added. Registry is directed to carry out the requisite corrections.*
- 2. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.219 dated 23.08.2023, under Sections 379-B, 506 of the IPC (Sections 363 and 120-B of the IPC added hereinabove), registered at P.S. Civil Lines, Rohtak.*
- 3. The learned counsel for the petitioner submits that neither the name of the petitioner reflects in the FIR, nor any role whatsoever has been*



assigned to him therein. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused Radhe.

4. Nonetheless, the learned counsel for the petitioner further submits that since the complainant has, by swearing an affidavit, which is enclosed in Annexure P-2, already absolved the petitioner from the allegations levelled against him, therefore, the petitioner deserves the concession of anticipatory bail.

5. Notice of motion for 13.05.2024.

6. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondents No.1 and 2.

7. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by PSI Naveen, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 20.04.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

13.05.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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