

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215-3

CRM-M-24241-2024
Date of decision: 11.07.2024

TOHID
Versus
STATE OF HARYANA
....Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sanyam Khetarpal, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional A.G., Haryana.

KULDEEP TIWARI. J.(Oral)

1. On 15.05.2024, a Co-ordinate Bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

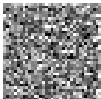
“The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioners in case FIR No.87 dated 13.03.2024 under Sections 148, 149, 323, 324, 506 IPC (Section 326 IPC added later on) registered at Police Station City Sadar Nuh, District Nuh (Mewat), Haryana. The Counsel for the petitioner contends that only simple injuries have been attributed to the petitioner.

Notice of motion 11.07.2024.

On the asking of the Bench, Mr. R.S. Jhand, Addl. AAG Haryana accepts notice on behalf of the State of Haryana whereas Mr. Saleem Ahmed, Advocate accepts notice on behalf of the complainant and has filed his power of attorney.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, they shall be released on bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

i) that the petitioner shall make themselves available for interrogation before the Investigating Officer as and when required;



ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender their passports, if any.
Meanwhile, the State is directed to file to the petition on or before the next date of hearing.
To be heard with CRM-M-23689-2024. ”

2. Status report by way of affidavit dated 08.07.2024, of Sh. Surender Kumar, HPS, Deputy Superintendent of Police, Nuh has been filed on behalf of respondent-State. The same is taken on record. Copy of the same has been supplied to the opposite counsel.
3. Today, the learned State counsel on instructions imparted to him by the official respondent, 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 15.05.2024 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.

11.07.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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