



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-26027-2024
Date of decision: September 24th, 2024

Ajay

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Walia, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.133 dated 12.06.2023 under Sections 332, 353, 333, 307, 506, 34 of the IPC and Section 21(b) of the NDPS Act (Section 27-A of the NDPS Act and Section 120-B IPC added later on) registered at Police Station Radaur, District Yamuna Nagar.

2. While issuing notice of motion on 22.05.2024, following contentions of learned counsel for the petitioner were recorded:-

“Learned counsel has submitted that the petitioner is the real brother of co-accused Anil Kumar, who while riding the scooter, accidentally hit a police official resulting in the said official sustaining a fracture. Feeling offended, the police official thereafter involved the petitioner in a false case for the offences under Sections 332, 353, 333, 307, 506, 34 IPC and 21(b) of NDPS Act wherein it has been shown that his brother Anil Kumar was found in possession of 6.40 grams of heroin. Learned counsel has further submitted that even as per the admitted case of the prosecution, the



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petitioner was not accompanying his brother at the time of alleged occurrence and he came to be nominated as an accused later on on the basis of a disclosure statement of his brother Anil Kumar.”

3. Thereafter, vide order dated 29.05.2024, the petitioner had been granted interim anticipatory bail with direction to join investigation and the following submissions of learned State counsel were recorded:-

“Learned State counsel, on instructions, has not disputed that the petitioner was accompanying his brother (co-accused) at the time of alleged occurrence, and had been nominated in the disclosure statement of co-accused.”

4. Learned counsel for the petitioner submits that in compliance of order dated 29.05.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 29.05.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

September 24th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No