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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31940-2024

Date of decision: 15.10.2024

Rakesh Kumar

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Rahul Deswal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 of Cr.P.C. (482 of BNSS) seeking anticipatory bail to the petitioner in case bearing FIR No.185 dated 05.06.2024 under Sections 306 of IPC (108 of BNS) and 34 of IPC (3 (5) of BNS) registered at Police Station Murthal, District Sonipat, Haryana (Annexure P-1).

There is no representation on behalf of respondent No.2 despite service.

On 08.07.2024, the following order was passed:-

'The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.185 dated 05.06.2024 under Sections 306/34 of IPC registered at Police Station Murthal, District Sonipat, Haryana (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the factual ingredients constituting the offence under Section 306 of IPC are clearly missing and admittedly, at the time of the incident, the petitioner was at his place of posting in Chhattisgarh where he was serving in CRPF. It is further submitted that wife of the petitioner was suffering from various ailments and depression due to untimely death of her daughter.

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.



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*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; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the 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/Arresting Officer and abide by the conditions as provided under Section 482 (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 Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 08.08.2024.

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.'

Learned State counsel on instructions from Inspector Jaspal Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 08.07.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) BNSS.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.10.2024

Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No