



CRA-S-2893-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(243)

CRA-S-2893 -2024
Date of Decision : 23.09.2024

Ravinder ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Raghav Bali, Advocate
for the appellant.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Saurabh Dalal, Advocate
for respondent No.2.

KULDEEP TIWARI, J.(ORAL)

1. On 04.09.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“Through the instant appeal, challenge is thrown to the order dated 17.08.2024, whereby the application for grant of anticipatory bail in case FIR no.397, dated 02.07.2024, registered under Sections 109(1), 115, 118(1), 118(2),126, 190, 191(3), 61 of the BNS, 2023, and under Section 25(1-B)a of the Arms Act, and under Section 3(2)(v) of the SC/ST Act, at Police Station Shivaji Colony, District Rohtak, has been dismissed by the learned Additional Sessions Judge, Rohtk.

Upon notice of motion issued on the last date of hearing, vide order dated 29.08.2024, Mr. Saurabh Dalal, Advocate, has caused appearance on behalf of respondent no.2. He undertakes to file his validly executed power of



attorney, with the Registry of this Court, within 10 days from today.

Learned counsel for the appellant in an attempt to throw a challenge to the impugned order (supra), inter alia submits that though there are specific allegations against the present appellant, of causing injury, but during investigation, it transpires that the appellant was not present on the spot, rather now he has been arrayed as an accused with the aid of Section 61(2) of the BNS, 2023. Even in the CCTV footage, he is not shown to be present at the time of alleged occurrence.

Learned counsel for respondent no.2/complainant opposes the asked for relief to the present appellant, and submits that though the appellant was not present on the spot, however, he is one of the main conspirators, therefore, he is not entitled for the relief of pre-arrest bail.

Heard.

Considering the fact that the appellant was not present on the spot as surfaced during investigation, this Court directs the appellant to join the investigation and on his doing so, the appellant be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the appellant shall continue to join the investigation as and when called upon to do so, and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 23.09.2024.”

2. Today, the learned State counsel on instructions imparted to him by DSP Rakesh, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined the investigation and he is no longer required for further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 04.09.2024, is hereby made **absolute**, subject to the hereinafter



extracted conditions:-

*“(i) the petitioner(s) shall not commit an offence similar to the present offence;
(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”*

4. 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.
5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

(KULDEEP TIWARI)
JUDGE

September 23, 2024
Manpreet

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