

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44625-2023
Date of decision: 25.01.2024

YOGESH KUMAR AND ANOTHERPetitioners

Versus

STATE OF HARYANA ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Rahul Yadav, Advocate for
Mr. Vishal Yadav, Advocate for the petitioners.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioners seek anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
330	26.05.2023	323, 384, 342, 365, 201, 509 and 34 of IPC (Section 509 of IPC deleted later on).	Palam Vihar, District Gurugram.

2. Learned counsel for the petitioners submits that in compliance to the order dated 06.09.2023 passed by this Court, the petitioners have already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 06.09.2023.

3. Learned State counsel, on instructions from SI Birender, intimates that the petitioners had joined the investigation in the case and are no more required for any custodial investigation in this case nor they are required for further investigation. He further submits that considering

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the heinous nature of crime, the petitioners are not entitled for concession of anticipatory bail.

4. Mr. Raj Sumer Singh, Advocate, has put in appearance on behalf of Mr. Imran Ahmad, Advocate for the complainant and filed his power of attorney, which is taken on record.

5. During the course of hearing on 06.09.2023, following order is passed:

“Notice of motion.

Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of State of Haryana.

Adjourned to 18.12.2023.

In the meantime, the petitioners are directed to join the investigation and to co-operate fully with the investigation process and on their doing so, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.”

6. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioners had already joined the investigation and are no more required for further investigation nor they are required for any custodial interrogation, interim bail granted vide order dated 06.09.2023 is hereby confirmed in the present FIR

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No.330, dated 26.05.2023 under Sections 323, 384, 342, 365, 201, 509 and 34 of IPC (Section 509 of IPC deleted later on) (Annexure P-1), subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioners are directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.
8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

25.01.2024
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- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No