

CRM-M-51515-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51515-2023
Date of decision: 02.02.2024

Anuj Kumar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Deepshikha, Advocate,
for Mr. Sandeep Goyat, Advocate,
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
806	19.09.2023	147, 149, 323, 427, 452, 506 IPC	Hisar City, District Hisar

2. Learned counsel for the petitioner submits that in compliance to the order dated 11.10.2023, the petitioner has joined the investigation.

3. During the course of hearing on 11.10.2023, following order had been passed: -

‘Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.806 dated 19.09.2023, under Sections 147, 149, 323, 427, 452 and 506 IPC, registered at Police Station Hisar City, District Hisar.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. Petitioner has not been named in the FIR. During investigation, complainant has improved upon his version alleging that he was thrown from the third floor of the building of Paying Guest accommodation but in the complaint, on the basis of which the FIR has been recorded, his categoric stand was that he escaped himself by jumping down from the PG and ran away. The petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Ms. Ambika Sood, Addl. A.G. Haryana, accepts notice on behalf of the respondent-State and waives service. She prays for time to file reply/status report.

List on 08.12.2023.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.'

4. At this stage, Mr. Nitin Meel, Advocate, has entered appearance on behalf of the complainant and filed his power of attorney. The same is taken on record. He has opposed the bail by submitting that it is wrongly mentioned in the FIR that the complainant himself has jumped from the roof/PG.
5. Learned State counsel informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.
6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 11.10.2023 passed by this Court, interim

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bail granted vide order dated 11.10.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is 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 petitioner; he 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.

02.02.2024
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(SANJIV BERRY)
JUDGE

- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No