

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53838-2023
Date of decision: 23.05.2024

VIKASH ...PETITIONER

Versus

STATE OF HARYANA ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. L.K. Yadav, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

Mr. Balkar Singh, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR as under:

FIR No.	Dated	Section	Police Station
268	29.08.2023	147, 148, 149, 323, 458, 506 and 325, 427 and 459 of IPC added later on.	Dadri Sadar, District Charkhi Dadri.

2. Learned counsel for the petitioner submits that in compliance to the order dated 06.05.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 06.05.2024.
3. Learned State counsel, on instructions from ASI Sombir intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial

investigation.



4. During the course of hearing on 06.05.2024 , following order was passed:

“3. Heard on the bail petition.

4. It is, inter alia contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that although the name of the petitioner is mentioned in the FIR but no specific overt act has been attributed to the petitioner and he is ready to join the investigation, as such he prays for grant of concession of anticipatory bail to the petitioner.

5. On the other hand learned State counsel assisted by learned counsel representing the complainant have opposed the bail petition by arguing that the petitioner has played active role in the commission of crime. They have referred to the video recording and submit that the petitioner along with co-accused Satyawar were found digging earth and cutting water pipe, as such the petitioner is not entitled to concession of bail.

6. Considering the submissions and also the reply submitted by the State, it is deemed appropriate that the petitioner should join the investigation first before deciding the petition on merit. Therefore, the petitioner is directed to join the investigation within 7 days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. He shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

7. Adjourned to 23.05.2024.”

5. 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 06.05.2024 passed by this Court, interim



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bail granted vide order dated 06.05.2024 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.

- 6. The petition stands allowed.
- 7. 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

23.05.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |