

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.63886 of 2023
Date of decision: 7th May, 2024

Mukesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satbir S. Gill, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.299 dated 05.11.2023 under Sections 147, 148, 149, 323, 324, 341, 506 of the IPC (Section 325 IPC added later on), registered at Police Station Nathu Sarai, District Sirsa.

2. On 19.12.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner, inter alia, contends that neither was the petitioner named in the FIR in question nor any specific role or injury attributed to him; he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Ram Kumar and Sandeep.

On a pointed query put to the learned counsel as to whether the petitioner has any criminal antecedents, he has replied in the negative.”

3. Thereafter, on the statement made by learned State counsel, the petitioner was again directed to join investigation vide order dated 19.03.2024.

4. Learned counsel for the petitioner submits that in compliance of the orders dated 19.12.2023/19.03.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions from SI Lekhraj, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. She, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. In the circumstances, the petition is allowed and the interim orders dated 19.12.2023/19.03.2024 are made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

May 7, 2024
rps

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