

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5086-2022
Reserved on: 04.03.2022
Pronounced on: March 10, 2022

Shakti Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Charanjeet Bhalla, Advocate;
Mr. Nitin Arora, Advocate and
Mr. Gautam Sharma, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Naresh Kumar Chhokar, Advocate
For the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
300	12.11.2021	Bahuakbarpur, District Rohtak	323/341/506 & 34 IPC, 1860

1. The petitioner apprehending arrest in the FIR captioned above had come up before this Court under Section 438 CrPC seeking anticipatory bail. **Vide order dated 8-2-2022, this court had granted interim protection to the petitioner subject to the terms and conditions mentioned in the order.**
2. Although petitioner claimed no criminal antecedents, however, Ld. Counsel for the State contended that an FIR No.141 under section 323/506/148/149 IPC was registered against him.
3. Ld. Counsel for the petitioner contends that the petitioner had joined the investigation and the police is making false statements about his non-joining. He further submitted that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Ld. counsel appearing for the State contends that petitioner has criminal history

and he is not entitled to bail.

REASONING:

5. Given the offences attributed in the previous FIR, the previous criminal history of the petitioner is not being considered strictly at this stage as a factor for denying bail. The allegations against the petitioner are regarding criminal conspiracy. Furthermore, a prima facie perusal of paragraphs 4 & 5 of the bail petition reveals sufficient grounds for granting bail.

6. Given above, the order dated 8-2-2022 is made absolute strictly subject to the following conditions in addition to the conditions mentioned in the interim order.

7. ***Given the nature of allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within ten days from today and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case.***

8. Given the nature of allegations and the other circumstances peculiar to this case, the petitioner shall not enter within a radius of one kilometer from the victim's home till the recording of the statements of all non-official and informal witnesses in the trial. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (CrI.) 458; and Aparna Bhatt v. State of Madhya Pradesh, 2021 SCC Online SC 230.

9. During the trial's pendency, if the petitioner repeats or commits any offence where the sentence prescribed is more than seven years or violates any condition as stipulated in this order, it shall always be permissible to the respondent to apply for cancellation of this bail. It shall further be open for any investigating agency to bring it to the notice of the Court seized of the subsequent application that the accused was earlier cautioned not to indulge in criminal activities. Otherwise, the bail bonds shall continue to remain in force throughout the trial and after that in terms of Section 437-A of the CrPC.

10. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

11. This order does not, in any manner, limit or restrict the rights of the Police or the

investigating agency from further investigation as per law.

12. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offence in this FIR, and if the new section prescribes maximum sentence which is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above, then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days providing an opportunity to avail the remedies available in law.

13. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

March 10, 2022
Sonia arora

Whether speaking/reasoned: Yes
Whether reportable: No.