

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No. 207

CRM-M-9694-2021

Date of decision : 8.2.2022

Jora Singh and another

Petitioners

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.PS Ahluwalia, Advocate for the petitioners

Mr.Sumit Jain, Addl.A.G., Haryana.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioners seek anticipatory bail in FIR No.381 dated 28.9.2021 registered under Sections 323, 341, 427, 506, 34 of the IPC at Police Station Sadar Ballabgarh, District Faridabad.

On 2.3.2021, while issuing notice of motion, this Court had passed the following order: -

“Learned counsel for the petitioners would pray for grant of anticipatory bail by *inter alia* contending that the complainant had handed over a CD to the Investigating Officer on 10.10.2020 pertaining to an incident that took place on the night of 01.10.2020. It is further argued that a false statement has been made by the complainant that the DVR of the CCTV

has been stolen by the petitioners herein which is unsubstantiated as without the original DVR, a certificate under Section 65-B of the Indian Evidence Act could not have been issued pertaining to the CD handed over to the Investigating Officer.

Notice of motion.

At the asking of the Court, Mr. P.P. Chahar, D.A.G., Haryana, who is present in the Court through the medium of video conferencing, accepts notice on behalf of the respondent-State.

Learned counsel appearing on behalf of the respondent-State on instructions from HC Sohan submits that it is the complainant himself who has given a certificate under Section 65-B of the Indian Evidence Act pertaining to the CD that was issued. He seeks time to file a detailed reply pertaining to the issuance of certificate as issued under Section 65-B of the Indian Evidence Act.

Adjourned to 26.03.2021.

In the meantime, no coercive steps be taken against the petitioners.”

In the light of the reasons recorded in the afore quoted order; because in the FIR in question, which does not involve any heinous crime, the petitioners and the complainant have compromised the matter and that on the basis of such compromise, the petitioners have filed a petition before this Court being CRM-M-40429-2021, seeking therein quashing of the

FIR in question, this Court is of the opinion that the petitioners' custodial interrogation is not required.

In view of the above and subject to the petitioners' joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of their arrest in FIR No.381 dated 28.9.2021 registered under Sections 323, 341, 427, 506, 34 of the IPC at Police Station Sadar Ballabgarh, District Faridabad, they shall be released on anticipatory bail to the satisfaction of the Arresting Officer.

The petition is allowed in the above terms.

8.2.2022
gsv

[DEEPAK SIBAL]
JUDGE

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