

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

209

CRM-M-10762-2022

Date of Decision: 30.08.2022

SATBIR SINGH ALIAS KASHMIRI LAL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Karan Pathak, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. R.S. Mamli, Advocate for the complainant.

SUVIR SEHGAL, J.(ORAL)

On 17.03.2022, this Court passed the following order:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0340 dated 15.08.2021, registered for offences under Sections 147, 149, 323, 328 and 452 of the Indian Penal Code, 1860 (offence under Section 302 of the Indian Penal Code, 1860 was added later on), at Police Station Sirsa Sadar, District Sirsa (Annexure P-1).

Counsel for the petitioner has contended that FIR (Annexure P-1) has been registered inter alia on the allegation that Uggarsain, Satbir Singh @ Kashmiri (present petitioner), Vijay Singh @ Lilu Ram and Vinod Kumar @ Bablu slapped and punched wife of the complainant and his mother, Shanti Devi. He submits that Vijay Singh @ Lilu Ram, Satbir Singh @ Kashmiri (present petitioner) is alleged to have caught hold of his mother and Uggarsain forcibly made her consume spray from a bottle. By making reference to the final report submitted under Section 173, Cr.P.C. (Annexure P-2), counsel argues that during the course of investigation, it was found that the petitioner is innocent. He submits that vide order dated 07.03.2022 (Annexure P-3), the Trial Court has framed charge under Sections 452, 323 and 306, IPC read with Section 34, IPC against accused, Uggarsain, Rakesh, Vijay Singh @ Lilu Ram and

*Vinod Kumar @ Bablu. He contends that on the basis of an application given by the complainant, further investigation has been conducted without seeking prior leave from the Court, which is not in consonance with the judgment of the Hon'ble Supreme Court in **Vinubhai Haribhai Malaviya Versus State of Gujarat (2019) 17 SCC 1**. He submits that the petitioner is ready to join the investigation and co-operate with the Investigating Agency.*

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. She is assisted by Mr. R.S.Mamli, Advocate for the complainant.

List on 22.08.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Upon instructions from ASI Rajesh, State counsel submits that the petitioner has joined the investigation, recovery of vehicle used in the offence has been made and challan has been prepared. She has further instructions to state that petitioner is no longer required for custodial interrogation.

In view of above, without commenting upon the allegations levelled in the petition, present petition is allowed and the order dated 17.03.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

30.08.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No