

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

214(3)

CRM-M-33461-2021 (O&M)

Date of decision : 24.01.2022

Bachhu Singh @ Bachhu

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Ms. Jasneet Mehra, Advocate for
Mr. Amrainder Singh, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

CRM-38926 of 2021

Application is allowed as prayed for.

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Petitioner is seeking anticipatory bail in FIR No.443 dated 19.07.2021 registered under Sections 148, 149, 323, 324, 427 and 506 IPC (Section 307, 325 and 429 IPC added later on) at Police Station Ballabgarh City, District Faridabad.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 20.08.2021. Order dated 20.08.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.443 dated 19.07.2021 registered under Sections 148, 149, 323, 324, 427 and 506 of the Indian Penal Code, 1860 (Sections 307, 325 and 429 IPC

added later on) at Police Station Ballabgarh City, District Faridabad.

Learned counsel for the petitioner argues that there are no specific allegations against the petitioner, who is 75 years old and no injury has been attributed to the petitioner. Learned counsel for the petitioner submits that as nothing is to be recovered from the petitioner, he be granted the concession of anticipatory bail as he is ready to join the investigation and cooperate.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. Vimal Kumar Gupta, Advocate, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the complainant.

Learned counsel for the respondent-State concedes that there are no specific allegations alleged against the petitioner in the FIR but as the petitioner is head of the family, who has caused injury to the complainant, his custodial interrogation is necessary.

Learned counsel for the complainant submits that the complainant had received injuries and as there were 8 to 10 boys, who had come to attack the complainant with common intention, the petitioner is the one, under whose instructions, the incident had taken place.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, there are no specific allegations against the petitioner and he is 75 years old and also no injury has been attributed to the petitioner and nothing is to be recovered from him, the petitioner has made out a case for the grant of anticipatory bail.

With regard to the common intention as being pressed by learned counsel for the complainant, the same is yet to be proved during the trial.

As the petitioner has undertaken before this Court to join the investigation and cooperate and not to influence the investigation in any manner, the petitioner has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the

following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 17.11.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Sanjeev states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

Learned counsel for the complainant submits that the petitioner was also seen at the spot of the alleged offence though, it is conceded that no weapon or the injury has been attributed to the petitioner.

Keeping in view the facts and circumstances of this case, where no injury has been attributed to the petitioner coupled with the fact that the petitioner is 75 years old man as well as that the Investigating Agency does not require the custodial interrogation of the petitioner, the order dated 20.08.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

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In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

24.01.2022
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Whether speaking/reasoned	Yes
Whether Reportable :	No