

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

CRM-M-40474-2022

Date of decision : 11.11.2022

Kirpal Singh

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

Status report by way of an affidavit of Dharamvir, Deputy Superintendent of Police, Sirsa on behalf of the respondent-State has been filed. The same is taken on record.

2. While issuing notice of motion, the following order was passed:-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 147, 148, 149, 294, 323, 427, 452 and 506 IPC, in a case arising out of FIR No. 14, dated 18.01.2022, registered at Police Station Ding, District Sirsa.

Learned counsel contends that alleged incident took place on 25.12.2021, in two phases (at 7:00pm and 8:30pm) and for the first time complaint to the police was moved on 18.01.2022, resulting into registration of present FIR. Learned counsel further submits that though petitioner is named in the FIR as armed with sword but he has not caused any injury to anybody. He further submits that out of the alleged offences, Sections 452 and 506 IPC are non-bailable. It is also pointed out that petitioner is a senior citizen, having no criminal background; both the sides are neighbours to each other; and that two co-accused have already been granted

concession of anticipatory bail by the learned Court below.

Notice of motion.

On asking of the Court, Mr. Vikas Bhardwaj, Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State.

At this stage, Mr. D.P.S. Joura, Advocate, has put in appearance on behalf of the complainant. Adjourned to 11.11.2022. In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.”

3. Today, Mr. Ambavta submits that the petitioner has joined investigation and is no longer required for custodial interrogation.

4. I have heard counsel for the parties and perused the paper book.

5. It is a case wherein the petitioner is alleged to have been armed with sword, but there is no allegation that he inflicted any injury. There is no other case pending against the petitioner who is 66 years of age.

6. Keeping in view the facts and circumstances of the present case, the present petition is allowed. Interim order dated 06.09.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

(PANKAJ JAIN)
JUDGE

11.11.2022
Dinesh

Whether speaking/reasoned Yes

Whether Reportable : No