

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

**CRM-M-17687-2023
Date of Decision: 30.05.2023**

Tejvir @ Tejvir Singh

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present:- Mr. Nitin Meel, Advocate for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana

HARSH BUNGER, J.(Oral)

1. Petitioner (Tejvir @ Tejvir Singh) has filed the present petition under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.375, dated 21.07.2022. registered under Sections 323, 34, 341, 506 (Sections 365 and 368 deleted later on and Sections 379-B, 201 added later on) of the Indian Penal Code, 1860, at Police Station Narnaud, District Hisar (Annexure P-1).

2. On the last date of hearing, i.e 13.04.2023, this Court had passed the following order:-

Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.375, dated 21.07.2022. registered under Sections 323, 34, 341, 506 (Sections 365 and 368 deleted later on and Sections 379-B, 201 added later on) of

the Indian Penal Code, 1860, at Police Station Narnaud, District Hisar (Annexure P-1).

Succinctly, the aforesaid FIR was registered on 21.07.2012, at about 4:30 P.M, statement of Sachin s/o Dharambir, who stated that he was ploughing his field and at the same time Balram (co-accused) along with two young boys came there. Balram (co-accused) is stated to be armed with fan belt and the abovesaid young boys were armed with lathi. It is alleged that as soon as Balram came, he took out mobile of complainant from complainant's pocket and started beating complainant with sticks and fan belt, whereupon complainant fell down. Son of complainant namely Shaurya is stated to be standing nearby and he fell on the complainant to save him and then they stopped beating complainant and took the complainant to Balram's house when they again gave beatings to complainant and Balram's wife Kavita said "Kill him today, today is good occasion". It is stated in the complaint that thereafter the accused told the complainant to run away else they would kill him and then complainant came to his home. Accordingly, the present FIR was registered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused (Balram). It is submitted that petitioner is not named in FIR and no role has been attributed to the petitioner and neither is petitioner involved in any other case. Learned counsel next submits that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Additional Sessions Judge, Hisar, vide its order dated 24.03.2023. It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

Notice of motion.

On the asking of the Court, Mr. Amrik Narwal, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent/State.

Learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of the offence, however, he seeks time to get instructions in this matter.

List on 30.05.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/ Arresting Officer. However, he shall join the investigation as and when directed by the Investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day.

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

4. Learned State counsel, on instructions from Assistant Sub Inspector Jagbir Singh, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.

5. Heard learned counsel for the parties.

6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 13.04.2023, passed by this Court, is made absolute.

7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

8. It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at

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liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

9. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

10. Present petition is accordingly disposed of.

30.05.2023
Jyoti Thakur

(HARSH BUNGER)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether reportable:</i>	<i>Yes/No</i>