

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25559-2023

Date of decision : 07.10.2023

Sanjay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ashwarya Bajaj, Advocate
for the petitioner.
Mr. R.K.S. Brar, Additional A.G. Haryana.
Mr. Rao Ajender Singh, Advocate
for complainant.

-. -

-. -

HARSH BUNGER, J. (ORAL)

1. Prayer in the present petition filed under Section 438 Code of Criminal Procedure, is for grant of concession of anticipatory bail to the petitioner in case FIR No. 42 dated 17.02.2023 registered under Sections 323, 341, 506, 34 IPC at Police Station Kasola, District Rewari.

2. On 19.05.2023, the following order was passed by this Court :-

“ 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. 42, dated 17.02.2023, registered under Sections 323, 341, 506 read with Section 34 of the Indian Penal Code, 1860, at Police Station Kasola, District Rewari (Annexure P-1).

2. Brief facts of the case are that the present FIR has been registered on the complaint of one Ram Partap Singh son of Nihal Singh, resident of Village Garhi, Police Station Kasola, District Rewari, alleging therein that on 13.02.2023 at about 02:00/02:30 P.M., the complainant (Ram Partap Singh) was going to his fields, then he found Sanjay s/o Sube Singh along with two other boys was sitting on the way and they were consuming liquor. Thereafter, Sanjay (petitioner) asked the complainant (Ram Partap Singh), whether he wants to drink liquor, to which the complainant refused, then all three of them,

restrained the complainant and started beating him. Accordingly, the present FIR in question was registered.

3. *Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner has been dragged in the present case only because of a civil dispute between the parties. Learned counsel for the petitioner submits that no specific role has been attributed to the petitioner. It is stated that the petitioner is involved in two other cases i.e. FIR No. 0201 of 2019 and FIR No. 331 of 2022 and in both the cases, the petitioner has already been granted the concession of anticipatory bail. 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, Rewari, vide its order dated 20.03.2023 (Annexure P-2). 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.*

4. *Notice of motion.*

5. *On the asking of the Court, Mr. Rupinder Singh Jhand, Addl., A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondent/State. Learned State counsel opposes the petitioner's plea for bail on the ground of seriousness of offence. Learned State counsel seeks a short accommodation to file status report in this case.*

6. *List on 27.07.2023.*

7. *Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency. In the meantime, in the event of arrest of petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.*

8. *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, the petitioner has joined the investigation.

4. Learned State counsel 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 19.05.2023, 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 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.
11. Application(s) pending, if any, shall stand closed.

(HARSH BUNGER)
JUDGE

07.10.2023
sjks

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