

201 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27744-2022
Date of Decision: 19.04.2023

Darshan Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Abhinav Sood, Advocate for
Mr. Vikran Singh, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Petitioner (Darshan Singh) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.888 dated 11.11.2021, under Sections 379-A, 420 and 506 of the Indian Penal Code (Section 120-B read with Section 34 of the Indian Penal Code, added later on), registered at Police Station City Karnal, District Karnal.

2. On 28.07.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Learned counsel for the petitioner has submitted that as per the allegations, the petitioner had gone to the shop of the complainant for the purpose of having business dealing and offered to sell his gold @ 10% discount, and thereafter, he went up to 20% discount which itself is totally improbable.

He further submitted that the alleged incident had taken place at Saha-Panchkula Road whereas the FIR has been lodged after a delay of 20 days at Karnal. He also submitted that the petitioner has been falsely implicated in the present case and has prayed for grant of anticipatory bail to the petitioner.

Notice of motion.

Mr. Naveen S. Panwar, DAG, Haryana accepts notice on behalf of the respondent/State.

Mr. Sandeep Siwach, Advocate has caused appearance and filed his Vakalatnama on behalf of the complainant and the same is taken on record.

In view of the aforesaid position, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 30.01.2023.

To be heard along with CRM-M-22405-2022. ”

3. Thereafter on 30.01.2023, it was submitted by learned State counsel that the petitioner has not joined the investigation in pursuance of order dated 28.07.2022, which fact was conceded by learned counsel for the petitioner and the following order was passed by this Court:-

“Learned State counsel submits that pursuant to order dated 28.07.2022, passed by a co-ordinate Bench of this Court, the petitioner has not joined the investigation.

Learned counsel appearing on behalf of the petitioner submits that one more opportunity be granted to the petitioner to join the investigation.

List on 15.03.2023.

Petitioner – Darshan Singh is directed to appear in the concerned Police Station on 10.02.2023 at 11:00 A.M., in

terms of order dated 28.07.2022, passed by a co-ordinate Bench of this Court, and join as well as co-operate in the investigation.”

4. On 10.02.2023, an application was filed on behalf of the petitioner seeking more time for joining the investigation in terms of orders dated 28.07.2022 and 30.01.2023, whereupon this Court passed the following order:-

“Prayer in the present application is for the grant of ten days' more time to the applicant/petitioner for joining the investigation in terms of orders dated 28.07.2022 and 30.01.2023.

Notice of the application.

At the asking of Court, Mr. Ram Kumar Singla, DAG, Haryana, who is present in the Court, accepts notice on behalf of the non-applicant/State and raises no objection to the prayer made in the present application.

For the reasons mentioned in the application and arguments addressed, the applicant/petitioner is again directed to join the investigation on 17.02.2023 at 10 A.M., in terms of order dated 28.07.2022, passed by a co-ordinate Bench of this Court, and cooperate in the investigation.

Application is accordingly disposed of.”

5. Thereafter on 15.03.2023, it was submitted by learned counsel for the petitioner that the petitioner had appeared before the Investigating Officer on 17.02.2023, however, he was in a critical condition as he has suffered burn injuries, which fact was also conceded by learned State counsel. It was further submitted by learned counsel for the petitioner that the matter otherwise stands compromised between the parties concerned. Consequent thereto, this Court passed the following order:-

“Learned counsel for the petitioner submits that in pursuance of order dated 10.02.2023, passed by this Court,

the petitioner had appeared before the Investigating Officer on 17.02.2023, however, he was in a critical condition as he has suffered burn injuries, which fact is also not denied by learned State counsel, who further submits that DDR No.3 dated 17.02.2023 also stands recorded, in this regard.

Learned counsel for the petitioner further submits that the matter has otherwise been compromised between the parties concerned, in which regard, a petition bearing CRM-M No.51334 of 2022, seeking quashing of instant case FIR No.888 dated 11.11.2021, has also been filed before this Court, which is pending consideration for 20.03.2023.

List on 19.04.2023.

Interim order to continue till the next date of hearing only.”

6. Today, learned counsel for the petitioner submits that pursuant to the aforesaid orders, petitioner has joined the investigation.
7. Learned State counsel, on instructions from Sub Inspector Salinder, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.
8. Heard learned counsel for the parties.
9. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 28.07.2022, passed by a co-ordinate Bench of this Court, is made absolute.
10. 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.
11. 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

granted to the petitioner.

12. Present petition is accordingly disposed of.

19.04.2023
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No