

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

206

CRM-M-32341-2022

Date of decision: 22.08.2023

Karni Singh

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

Mr. Harender Singh, Advocate, for the complainant.

AMAN CHAUDHARY. J.

1. On 25.05.2023, this Court had passed the following order:-

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in a case bearing FIR No.371 dated 21.06.2022, under Section 379-B, registered at Police Station Adampur, District Hisar.

Learned counsel for the petitioner states that the dispute is money dispute. As per allegations, the petitioner visited the complainant on his motor-cycle and demanded his money with interest. During conversation, he became aggressive and started abusing the complainant. When the complainant stopped him from abusing, he gave him beatings and punches. On raising noise by the complainant, petitioner snatched his mobile containing sim and ran away.

Learned counsel for the petitioner submits that it is not a case where snatching has taken place. The facts have been exaggerated. Injuries on the person of the complainant are simple injuries. Mobile phone with its sim number is still being used but no evidence has been collected to that effect. The matter was also sent to Mediation Centre but mediation remained unsuccessful as the parties refused for any settlement. It is also brought to the notice of this Court that the petitioner had already filed a complaint dated 13.10.2021 (Annexure P-5) against the complainant, which is prior to registration of the FIR in question.

Learned State counsel and counsel for the complainant have opposed the instant petition for grant of anticipatory bail.

Heard.

The petitioner is first offender. No evidence has been collected by the prosecution to the effect that alleged mobile phone and mobile number are being used by someone or not. Prima facie, it is a dispute regarding money.

Adjourned to 22.08.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the Arresting Officer/Investigating Officer on furnishing of bail bonds/surety bonds by him to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

2. Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 25.05.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

22.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No