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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33684-2023 (O&M)
Date of decision : 29.11.2023

Jaswinder Singh

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Krishan Sehajpal, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.37 dated 08.04.2023 under Sections 323, 406, 498-A, 506, 313 and 34 of the Indian Penal Code, 1860 registered at Women Police Station Narnaul, District Mahendergarh.

2. On 17.07.2023 the following order was passed :

“This is the first petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.37 dated 08.04.2023 under Sections 323, 406, 498-A, 506, 313 and 34 of the Indian Penal Code, 1860 registered at Women Police Station Narnaul, District Mahendergarh.

Learned counsel for the petitioner would contend that though the allegations of beatings have been made in the FIR, however, there is no MLR to support the same. The learned counsel would further contend that the complainant has filed a totally false case against the petitioner. The learned counsel submits that there may be a chance of an amicable settlement between the parties.

On the oral request of learned counsel for the petitioner, the complainant – Harwinder Kaur wife of Jaswinder Singh and daughter of Joginder Singh, resident of Village Dharmu, Tehsil Narnaul, District Mahendergarh – is impleaded as respondent No.2. Registry to make necessary addition in the memo of parties.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent-State of Haryana.

The petitioner shall bring a bank draft of Rs.30,000/- in the name of the respondent No.2 towards litigation expenses on the next date of hearing.

Let notice be issued to respondent No.2 returnable 20.09.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Thereafter, on 20.09.2023 the following order was passed :

“Learned counsel for the petitioner states that the petitioner is ready to rehabilitate the complainant as also to settle all the disputes.

Learned State counsel, on instructions from ASI Asha, has stated that though the petitioner has joined investigation, however, he is not cooperating.

As per the office report, notice could not be served upon respondent No.2 as she was out of station. Let fresh notice be issued to respondent No.2, returnable 29.11.2023.

Meanwhile, the petitioner is directed to re-join the investigation and cooperate with the Investigating Agency.

Interim order to continue.

To be heard along with CRM-M-30868-2023.”

3. Learned counsel for the petitioner would contend that pursuant to the order dated 20.09.2023 the petitioner has rejoined investigation and has fully cooperated.

4. Learned counsel for the State on instructions from ASI Asha has stated that the petitioner has since rejoined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 17.07.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as

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specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

29.11.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO