

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

CRM-M-36638-2023

Date of Decision:04.12.2023

Anand Aggarwal

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Deepak Jindal, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Ram Avtar Sheoran, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 438 Cr.PC with a prayer to grant anticipatory bail in case FIR No. 227 dated 22.05.2023, registered under Sections 323,308,506,34 of IPC Police Station City Bhiwani, District Bhiwani.

2. While issuing notice of motion on 31.07.2023, this Court had noticed the following contentions:-

“Learned counsel contends that the petitioner is a patient of advanced Parkinson's disease, for the last 8 years. The relevant medical records have been annexed as Annexures P2 to P4. He has been falsely implicated in the present case. The allegation of the side of the petitioner is with regard to the encroachment at the hands of the complainant party. However, on the other hand, the accusation of illegally constructing a staircase in front of the shop of the complainant, to which they had no authority have been

raised against the petitioner and his brother. The injuries attributed to the petitioner are simple in nature. He is not involved in any other case. He is ready and willing to join investigation as and when required by the investigating agency.”

3. At the very outset, learned State counsel submits that the offence under Section 308 IPC has been ordered to be deleted in the present case and the petitioner is at present facing the prosecution under Sections 323,506,34 of IPC.

4. I have heard learned counsel for the petitioner as well as learned State counsel assisted by learned counsel for the complainant.

5. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the one FIR No.217 dated 09.08.2023 under Section 506 of IPC, Police station Industrial Area Bhiwani, Bhiwani has been registered against the present petitioner, on the basis of the complaint moved by Purushotam Aggarwal, the complainant of the present case and the petitioner is not entitled to the relief claimed in the instant petition.

6. Countering the said submissions, learned counsel for the petitioner submits that the petitioner has already joined the investigation and at this stage, he is accused of causing simple injuries to the complainant, which is bailable offence. He further contends that in fact, the present petitioner was brutally beaten up by the present complainant and his three employees and one FIR No.461 dated 14.09.2023 under Sections 323,452,506 read with Section 34 of IPC, Police Station City Bhiwani, Bhiwani has already been registered on the basis of the complaint moved by the present petitioner against the present complainant and three more accused. He further contends that rather the

petitioner is being threatened by the complainant and his accomplices.

7. Without going into the detailed discussion and also in view of the submissions made by counsel for the parties, the interim order dated 31.07.2023 is made absolute. The petitioner shall continue to join the investigation, as and when called by the Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 Cr. PC subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(iii) The petitioner shall also file his affidavit before the concerned I.O./Arresting Officer, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the case. In case of change of place of residence/mobile number, he shall share the details with the concerned Investigating Officer.

04.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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