

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

CRM-M-43836-2023

Date of decision: 12.10.2023

HOSHIYAR SINGH

....Petitioner

Versus

JITENDER YADAV AND ANOTHER

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vijay Sangwan, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

By way of present petition filed under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in Criminal Complaint No.COMI-159-2017 dated 16.11.2017 under Sections 166, 323, 427, 506 and 34 of IPC, registered at P.S. Nangal Chaudhary, District Mahendergarh (Haryana) (Annexure P-1).

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner had already appeared before the learned trial Court and furnished the requisite bail bonds in compliance to the order dated 02.09.2023 and as such submitted that the interim bail granted to the petitioner may be made absolute.

3. Learned State counsel has placed on record the status report dated 07.10.2023 in the form of an affidavit of Deputy Superintendent of Police, Narnaul, District Mahendergarh, which is taken on record, to say that the petitioner has already complied with the directions and appeared in the trial Court on 18.09.2023 and furnished the requisite bail bonds.

4. After hearing the respective submissions, it transpires that the petitioner had been regularly appearing in the trial Court after being granted concession of bail in the complaint case No. *COMI-159-2017* titled '*Jitender Yadav Versus Constable Hoshiyar Singh and others*' but on 20.07.2023, he could not appear in the learned trial Court of Additional Chief Judicial Magistrate, Narnaul, being deputed on election duties in West Bengal. He has also referred to the order (Annexure P-3) vide which he was deputed on election duty. Since the petitioner as well as his counsel did not appear in the trial Court on 20.07.2023, leading to cancellation of his bail and issuance of non-bailable warrants of arrest for his appearance. Now, as stated above, the petitioner has already appeared in the trial Court and furnished the requisite bail bonds. Therefore, in these circumstances, without commenting on the merits of the case, interim bail granted to the petitioner vide order dated 02.09.2023 is, hereby, confirmed subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not

leave the country without prior permission of the Court.

5. The petition stands allowed.

(SANJIV BERRY)
JUDGE

12.10.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |