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

**CRM-M-46560-2022 (O&M)
Date of decision : 06.07.2023**

Vipul @ Buntty

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K. Verma, Advocate,
for the petitioner.

Mr. Bhupender Singh, AAG, Haryana,
assisted by SI Satish Kumar.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.466 dated 17.09.2022, under Sections 323, 452, 506, 34 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station City Jind.

2. It transpires that above FIR was registered on the basis of statement made by one Mahesh Kumar Singla to the effect that petitioner along with co-accused assaulted his wife and threatened that she and her family would be killed in case they did not vacate the house.

3. This Court, on 10.10.2022, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.466 dated 17.09.2022 registered under Sections 323, 452, 506 and 34 of the Indian Penal Code, 1860 at Police Station City Jind, District Jind.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The petitioner neither given beating to the wife of the complainant nor forcibly entered in the house. The matter in question is of civil nature. The wife of the petitioner along with one Mamta wife of Rajnish has purchased 70 sq. yards from the house in which the complainant is residing vide registered sale deed dated 26.07.2022. The offence is triable by learned Judicial Magistrate First Class. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. R.K. Singla, D.A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and seeks time to file reply.

Adjourned to 23.01.2023.

In the meanwhile, the petitioner will join investigation and appear before the Investigating Officer within 10 days from today at Police Station City Jind, District Jind. On his doing so, the petitioner shall be released on interim anticipatory bail subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join investigation as and when called for and shall abide by the conditions as provided under Section 438(2) of the Cr.P.C..”

4. Contends that in terms of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 10.10.2022 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

06.07.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No