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

CRM-M-46959-2022(O&M)

Date of Decision: 27.04.2023

MAHENDER SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Umesh Kumar Kanwar, Advocate and
Mr. Saurabh Saini, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioner in case FIR No.205 dated 12.09.2022 registered under Section 306 read with Section 34 of Indian Penal code, at Police Station Sadar Bahadurgar, District Jhajjar, Haryana.

On 05.01.2023, the following order was passed by this Court :-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.205 dated 12.09.2022 (Annexure P-1), under Section 306 IPC read with Section 34 IPC, registered at Police Station Sadar Bahadurgarh, District Jhajjar, Haryana.

Learned counsel for the petitioner submits that petitioner is around 64 years of age and is suffering from various ailments. It is submitted that petitioner has been falsely implicated in the present case at the behest of complainant-Sanjay, who is the cousin of deceased-Praveen. It is further

submitted that the petitioner never put pressure upon the deceased for returning the borrowed money and there has been no instigation, whatsoever, on the part of petitioner. It is further submitted that complainant, in connivance with the family of deceased, has cooked up a false and frivolous story against the petitioner only to grab his hard earned money. Learned counsel for the petitioner further submits that it is unbelievable that the petitioner could put pressure on deceased, who was serving in Delhi Police. While referring to paragraph No.10 of the status report dated 31.10.2022, learned counsel for the petitioner submits that at least up to 31.10.2022, the police had not sent the suicide note and the specimen of writing of deceased (account opening Form of DENA Bank with signatures of deceased) for FSL examination for matching. Learned counsel for the petitioner states that the petitioner is ready and willing to join the investigation.

Learned State counsel opposes the bail plea of petitioner, keeping in view the nature and gravity of the offences, however it is stated that FSL report is not available.

List on 28.02.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Ravinder Kumar has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his

custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 05.01.2023 passed by this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioners fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

27.04.2023

Amandeep

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No