

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

218

CRM-M-51784-2023 (O&M)  
Date of decision: 15.11.2023

VIMLESH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**

Present : Mr. Saurabh Singh, Advocate for  
Mr. Tanvir Singh Attariwala, Advocate for the petitioner.

Ms. Gaganpreet Kaur, DAG Haryana.

Mr. R.S. Malik, Advocate for the complainant.

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**SANJIV BERRY. J. (Oral)**

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

| FIR No. | Dated      | Section    | Police Station                  |
|---------|------------|------------|---------------------------------|
| 244     | 01.10.2023 | 381 of IPC | Sadhaura, Yamuna Nagar, Haryana |

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 12.10.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.
3. Learned State counsel, on instructions from HC Tejbir Singh has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.
4. Learned counsel for the complainant has submitted that keeping in

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view the gravity of offence, the petitioner is not entitled to the concession of bail.

5. Heard.
6. During the course of proceedings on 12.10.2023 the following order was passed.

*“By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:*

| <i><b>FIR No.</b></i> | <i><b>Dated</b></i> | <i><b>Section</b></i> | <i><b>Police Station</b></i>          |
|-----------------------|---------------------|-----------------------|---------------------------------------|
| 244                   | 01.10.2023          | 381 of IPC            | Sadhaura,<br>Yamuna Nagar,<br>Haryana |

2. *Learned counsel for the petitioner, inter alia, contends that the petitioner had been working in the shop of the complainant dealing with cattle feed since 2019. He submits that there was some dispute inter se the petitioner and complainant and the petitioner has been falsely implicated in this case. He submits that in fact at the relevant time, the petitioner had been putting cattle feed at the instance of the complainant for delivery thereof to some customer and a false case has been planted. He further submits that even otherwise, the alleged cattle feed amounts to Rs.500/- and the same has been recovered at the spot and as such, no recovery is to be effected from the petitioner. He further submits that the petitioner has no criminal antecedents and prays for grant of anticipatory bail.*

3. *Notice of motion.*

4. *On the asking of the Court, Ms. Gaganpreet Kaur, DAG Haryana present in Court, accepts notice on behalf of the respondent-State and prays for time to file short reply in the matter. She, however, on instructions from HC Tejbir Singh submits that there is no other case against the petitioner.*

5. *Mr. Rajender Singh Malik, Advocate appears on behalf of complainant to assist the learned State counsel and files his power of attorney in the Court. He submits that earlier also, petitioner was involved in a matter regarding theft of cattle feed but the*

*matter was compromised. He further submits that petitioner had been working in the shop of the complainant since 2019 and even during the Covid period, his salary was duly paid considering the fact that his father was suffering from heart ailment.*

6. *Reply in the matter be filed on or before the next date of hearing with an advance copy to the counsel opposite.*

7. *Adjourned to 15.11.2023.*

8. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”*

7. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 12.10.2023 passed by this Court, interim bail granted vide order dated 12.10.2023 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.

8. The petition stands allowed.

(SANJIV BERRY)  
JUDGE

15.11.2023  
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/ No