

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217

CRM-M-54108-2023 (O&M)

Date of Decision : 08.12.2023

VISHAL

.... Petitioner

VERSUS

STATE OF HARYANA & ANR.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Robin Gill, Advocate for
Mr. Balram Prashar, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana for respondent No.1.

Mr. Govrav Pal, Advocate for
Mr. Rishi Pal, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.437 dated 30.05.2023 under Sections 323, 406, 498-A, 506, 509 and 34 and Section 328 (added later on) of the Indian Penal Code, 1860 registered at Police Station City Karnal, District Karnal.

2. On 23.10.2023 the following order was passed :

“Prayer in instant petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No.437, dated 30.05.2023, registered under Sections 323, 406, 498A, 506, 509, 34 IPC at Police Station City Karnal, District Karnal, Haryana (Section

328 IPC added during the course of investigation).

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as he is not concerned with the allegations made in FIR. Learned counsel for the petitioner contends that the petitioner is brother-in-law of the complainant and is a student. It is submitted that even from the perusal of the FIR, the only allegation against the petitioner is that he had given taunts to the complainant. Learned counsel further submits that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Additional Sessions Judge, Karnal, vide its order dated 01.09.2023 (Annexure P-2). It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

3. Notice of motion.

4. On the asking of the Court, Mr. Praveen Chander Goyal, Additional A.G., Haryana, who is present in the Court, accepts notice on behalf of respondent-State. Learned State counsel opposes the petitioner's plea for bail on the ground of seriousness of

offence. Learned State counsel seeks a short accommodation to file status report in this case.

5. List on 08.12.2023.

6. Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency. In the meantime, in the event of arrest of petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.

7. A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day.

8. Status report be filed before next date of hearing with an advance copy thereof to counsel opposite.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from HC Anju, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 23.10.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

08.12.2023

Aman Jain

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO