

CRM-M-55380-2023  
Date of decision: 11.12.2023

....Petitioner

...Respondent

**Present:** Mr. D.S. Virk, Advocate  
for the petitioner.

**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in a case bearing FIR No.312 dated 05.09.2023 under Sections 323/341/365/34 of IPC registered at Police Station Kallanwali, District Sirsa (Annexure P-1).

On 06.11.2023, the following order was passed:-

*‘The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.312 dated 05.09.2023 registered under Sections 323, 341, 365, 34, IPC at Police Station Kallanwali, District Sirsa.*

*Learned counsel for the petitioner, inter alia, contends that the petitioner is neither named in the FIR nor any overt act is attributed to him in the FIR. The petitioner as well as the complainant belong to the same village and are very well known to each other. It is beyond comprehension that despite the alleged involvement of the petitioner in the*

*incident, his name is not mentioned in the FIR by the complainant. In fact, the petitioner herein, being real brother of the co-accused namely Charanjit Singh, has been implicated in the present case. Moreover, the petitioner has no connection with his brother as he is residing separately.*

*Notice of motion.*

*On the asking of the Court, Mr. Gurmeet Singh, AAG, Haryana who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.*

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 22.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

*If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.*

*Adjourned to 11.12.2023.*

*Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by*

*observations of this Court. ’*

Learned State counsel on instructions from ASI Bhoop Singh, at the very outset informs the Court that the petitioner has joined the investigation on 21.11.2023 and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 06.11.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)  
JUDGE

11.12.2023  
*Neha*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No