

CRM-M-244-2024
Date of decision: 12.02.2024

Rajesh SinglaPetitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankit Yadav, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

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

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.699 dated 30.10.2023 (Annexure P-1) under Sections 306/34 of IPC registered at Police Station City Ballabhgarh District Faridabad, Haryana.

On 08.01.2024, 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.699 dated 30.10.2023 registered under Sections 306, 34 IPC at Police Station City Ballabgarh, District Faridabad.

Learned counsel for the petitioner, inter alia, contends that a perusal of the FIR indicates that on 27.10.2023, the co-accused Rajender Jahri has gone to the shop of the complainant and gave beatings to him and his father and took away the keys of the vehicle. The said incident was captured in the CCTV footage. The deceased was under stress because of the money he had advanced to his uncle

Surinder Mittal, however, in the suicide note he had named four persons, from whom the deceased-father of the complainant had borrowed money including name of the present petitioner. No specific date or time is given, which would fasten the instigation upon the petitioner as provided under Section 107 IPC to make him liable for offence under Section 306 IPC.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

At this stage, Mr. R.S. Mamli, Advocate has put in appearance on behalf of the complainant and files his vakalatnama, which is taken on record. He vehemently opposes the grant of interim bail to the petitioner on the ground that the deceased committed suicide due to harassment caused by the petitioner and others and the petitioner has been specifically named in the suicide note.

*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; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 15.01.2024 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 12.02.2024.

Nothing observed hereinabove shall be construed as an 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.'

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

In view of the statement of learned State counsel, order dated 08.01.2024 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

12.02.2024
Neha

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