

2024:PHHC:049391

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-3183-2024
Date of Decision : April 10, 2024

BAL KRISHAN @ BALI ROHITPetitioner
STATE OF HARYANARespondent
VERSUS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. D.S.Adhlakha, Advocate for the petitioner.
Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 20.1.2024, the following order was passed:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.758 dated 29.12.2023 under Sections 323, 452, 504, 506 of IPC, registered at Police Station City Jagadhri, District Yamunanagar.

Learned counsel for the petitioner submits that except Section 452 IPC, all other offences are bailable and in fact no injury has been inflicted in the present case. He further submits that the learned trial Court concerned declined the relief of pre-arrest bail to the petitioner, only on the ground, that the petitioner was earlier convicted for the offences punishable under Sections 395 and 397 IPC. However, in the instant case, no injury whatsoever has been caused to the complainant party.

Notice of motion for 10.4.2024.

On the asking of the Court, Mr. Bhupender Singh, DAG, Haryana - accepts notice on behalf of the State of -Haryana.

At this stage, Mr. Ravinder S.Budhwar, Advocate

has caused appearance on behalf of the complainant and opposed the grant of asked for relief, on the ground that the petitioner has already been convicted in two cases, and he had slapped his real uncle, therefore, he is not entitled for the grant of relief of anticipatory bail.

Be that as it may, considering the fact that the allegations against the petitioner are trivial in nature, this Court deems it fit and appropriate to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to join the investigation and on his doing so, in the event of his arrest, he shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by ASI Rajinder Singh, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 20.1.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(KULDEEP TIWARI)
JUDGE

April 10, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No