

CRM-M-4437-2024
Date of decision: 12.02.2024

Sunil Kumar YadavPetitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Kunal Dawar, Advocate and
Mr. Jagjot Singh, Advocate
for the complainant.

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.699 dated 30.10.2023 (Annexure P-1) under Sections 306/34 of IPC registered at Police Station City Ballabhgarh District Faridabad, Haryana.

On 29.01.2024, 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 (Haryana).

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 had gone to the shop of the complainant and gave beatings to him and his father. He also took away the keys of their vehicle. The entire incident was recorded in the CCTV footage. It is further contended that no specific details

with regard date, time and the manner in which the deceased was instigated by the petitioner have been given in the FIR supra to fasten the instigation upon him as provided under Section 107 IPC to make him liable for offence under Section 306 IPC. It is also contended that the co-accused Rajesh Singla has already been granted the concession of interim bail by this Court vide order dated 08.01.2024 passed in CRM-M No.244 of 2024 titled as Rajesh Singla Vs. State of Haryana.

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 and opposes the prayer for grant of anticipatory bail to the petitioner.

At this stage, Mr. Kunal Dawar, Advocate has put in appearance on behalf of the complainant and files his memorandum of appearance, which is taken on record. However, he undertakes to file his vakalatnama in the registry.

*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 05.02.2024 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

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investigation, in terms of the order of this Court.

Adjourned to 12.02.2024.

To be heard along with CRM-M No.244 of 2024.

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 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 29.01.2024 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