



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4969-2024
Date of decision: 10.07.2024

SanjayPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kunal Dawar, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C,
the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as
under: -

FIR No.	Dated	Sections	Police Station
91	22.06.2021	147, 149, 323, 341, 427, 506 IPC (148, 302, 120-B and 34 IPC added lateron)	Bahin, District Palwal, Haryana

2. Learned counsel for the petitioner submits that in
compliance to the order dated 31.01.2024, the petitioner has joined the
investigation.



CRM-M-4969-2024

3. During the course of hearing on 31.01.2024, following order has been passed: -

‘The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.91, dated 22.6.2021 at Police Station Bahin, District Palwal, Haryana under Sections 147, 149, 323, 341, 427, 506 of Indian Penal Code, wherein offences under Sections 148, 302, 120-B and 34 IPC were added later on.

The FIR was lodged at the instance of Avtar Singh, wherein it is alleged that on 20.6.2021, when he alongwith his nephew Satyam was proceeding to his village after withdrawing money from Hathin ATM Machine, then Saurabh, Prince, Aditya, Sachin, Sumit, Manay and Lalit attacked his nephew with sticks and iron rods and that although complainant’s nephew was subsequently taken to hospital, but he could not survive.

Learned counsel for the petitioner submitted that although in the FIR 7 accused have been specifically named, but the name of the petitioner is not amongst the said 7 accused. It has further been submitted that one Saurabh came to be arrested and his disclosure statements were recorded on 2 occasions but even in his disclosure statements the name of the petitioner does not figure. Learned counsel further submitted that even in the supplementary statement of the complainant Avtar Singh, he did not name the petitioner to be amongst the assailants. It has been submitted that it is after about 3 months that statement of one Jagdish came to be recorded and who nominated the petitioner to be amongst the assailants. It has further been submitted that the trial in respect of the co-accused is proceeding, wherein statements of the complainant Avtar Singh as

**CRM-M-4969-2024**

well as of Jagdish, who had nominated the petitioner, and also of Shivam and Sagar have been recorded, who have all turned hostile and that, in these circumstances, it is apparent that the petitioner came to be nominated falsely as an accused.

Notice of motion for 23.5.2024.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.'

4. Learned State counsel on instructions from Inspector Hari Krishan, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 31.01.2024 passed by this Court, interim bail granted vide order dated 31.01.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will



CRM-M-4969-2024

not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 6. The petition stands allowed.
- 7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10.07.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |