



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6993-2024
Date of decision: 28.05.2024

BHOOP SINGHPETITIONER

Versus

STATE OF HARYANA ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Saurabh Sharma, Advocate for
Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-2) as under:

FIR No.	Dated	Section	Police Station
207	11.05.2023	147, 148, 149, 323, 324, 452, 506, 326 and 114 of IPC	Sirsa Sadar, District Sirsa, Haryana.

2. Learned counsel for the petitioner submits that in compliance to the order dated 04.04.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 04.04.2024.
3. Learned State counsel, on instructions from ASI Jagdish, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.



4. During the course of hearing on 04.04.2024, following order was passed:

“1. Prayer in this petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case bearing FIR No.207 dated 11.05.2023, under Sections 147, 148, 149, 323, 324, 452 and 506 of the Indian Penal Code, 1860 (Sections 114 and 326 of the Indian Penal Code, 1860 added later on), registered at Police Station Sadar Sirsa, District Sirsa Haryana.

2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case which happens to be counter blast of the case bearing FIR No.205, dated 11.05.2023, under Sections 147, 149, 323, 341 and 506 of the Indian Penal Code, 1860, registered at Police Station Sadar Sirsa (Annexure P-4). It is submitted that there is an unexplained delay of two days in lodging the present FIR. As per the FIR, the injury attracting Section 326 of the Indian Penal Code is not attributed to the petitioner, rather it is attributed to the co-accused namely Fusa Ram. Learned counsel for the petitioner contends that the bail application under Section 438 of the Code of Criminal Procedure, filed on behalf of the petitioner before the Court of learned Sessions Judge, Sirsa, has been wrongly declined vide order dated 03.02.2024 (Annexure P-1). It is submitted that the petitioner is not involved in any other case. It is next submitted that co-accused, namely Rajpal, Mahipal and Vikram, have already been granted the concession of anticipatory bail by a co-ordinate Bench of this Court vide separate judgments dated 12.12.2023 and 20.01.2024 (Annexures P-8 and P-11) passed in CRM-M-50734-2023 and CRM-M-53005-2023, respectively. Learned counsel further submits that co-accused namely Fusa Ram has also been granted the concession of anticipatory bail by the Court of Sessions Judge, Sirsa vide order dated



30.10.2023. Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court. Accordingly, prayer for grant of anticipatory bail has been made.

3. Learned State counsel opposes the plea of petitioner for grant of anticipatory bail on the ground of seriousness of offence, however, it is not disputed that the petitioner is not involved in any other case. It is also not disputed that as per the FIR, the injury attracting Section 326 of the Indian Penal Code is attributed to the co-accused namely Fusa Ram, who has already been granted the concession of bail.

4. List on 28.05.2024.

5. In the meantime, the petitioner is directed to join the investigation and co-operate fully in the investigation process; and in the event of his arrest, he be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Code of Criminal Procedure.”

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 04.04.2024 passed by this Court, interim bail granted vide order dated 04.04.2024 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 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.

(SANJIV BERRY)
JUDGE

28.05.2024
kanika

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