



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-13609-2024

Date of Decision:20.05.2024

BALWANT

.....Petitioner

Vs.

STATE OF HARYANA

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Jasleen Kaur Chibber, Advocate and
Mr. Riyaz Mohd. Advocate for
Mr. Ankur Lal, Advocate
for the petitioner.

Mr. Randhir Singh, Additional AG, Haryana.

DEEPAK GUPTA, J.(ORAL)

On 15.03.2024, following order was passed:

“The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.25, dated 06.03.2024 (Annexure P-1), under Sections 186, 332, 353, 506 & 34 IPC, 1860 (Section 180 IPC added later on), registered at Police Station Jui Kalan, District Bhiwani.

Learned counsel for the petitioner contends that the complainant himself is a Police Officer, who is abusing his official position while implicating the petitioner in the instant FIR, which has no iota of truth in it. He further argues that the petitioner is having two children i.e. one daughter and one son, wherein the daughter is studying in 12th class and appearing in the ongoing Board examination. It has also been argued that on 06.03.2024 when the son of the petitioner namely, Nitin aged 17 years went to drop her sister for the said Board exam at the examination centre and thereafter while waiting there to take her along after the exam gets over and at that time complainant came from behind and slapped on his neck twice after holding him from his neck and on that account altercation took place between the two and son of the petitioner namely Nitin called him and narrated the whole incident. Upon hearing, his son crying on phone, the petitioner immediately reached at the place and confronted the complainant as to under what authority he manhandled with his son and thereafter the petitioner took his son in his car and came back



to home and on being humiliated the complainant has got registered the instant FIR but offence under Sections 186, 332, 353, 506 & 34 of IPC attributed to the petitioner have not been made out.

He further argues that the custodial interrogation of the petitioner is not required as the offence involved in the instant FIR would attract imprisonment only upto a period of 7 years for which the Police Officer unless and until has recorded his satisfaction that such arrest is necessary to prevent such person from committing any further offence whatsoever. It is also argued before this Court that the petitioner is not a habitual offender and is not involved in any illegal and overt act.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State and seeks time to get necessary instructions.

In the meantime, the petitioner is directed to be released on interim bail subject to his joining investigation and reporting to the Investigating Officer concerned within one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

Adjourned to 20.05.2024.”

Today learned State counsel, submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 15.03.2024 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

Disposed of.

(DEEPAK GUPTA)
JUDGE

20.05.2024

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Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No