



-1-

CRM-M-23660-2024
Date of decision: 20.08.2024

....Petitioner.

Versus

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
544	04.08.2022	148, 149, 325, 323, 506, 308, 326, 201, 341 IPC	Kundli, District Sonipat

2. Learned counsel for the petitioner submits that in compliance to the orders dated 22.05.2024 and 29.07.2024, the petitioner has joined the investigation.

3. During the course of hearing on 22.05.2024, following order had been passed: -



CRM-M-23660-2024

-2-

‘Heard.

2. It is inter alia contended by learned counsel for the petitioner that the petitioner has no role to play in the alleged occurrence and has been nominated on the alleged supplementary statement made by the complainant after more than 01 year of the registration of the FIR.

3. Learned counsel for the petitioner further contends that originally the FIR was registered against the 04 persons named therein and the name of the petitioner has cropped up after more than 01 year in the supplementary statement of the complainant dated 12.08.2023 without there having been any specific overt act being attributed to him.

4. Learned counsel for the petitioner further contends that the petitioner although is having one more criminal case registered against him under Section 379 IPC but he is on bail therein.

5. Per contra, learned State counsel while referring to the reply submitted by the police has opposed the grant of bail to the petitioner but admitted the fact that the name of the petitioner has surfaced only on the basis of supplementary statement made by the complainant on 12.08.2023 although the FIR was registered on 04.08.2022.

6. List on 04.07.2024.

7. In the meanwhile, the petitioner is directed to join the investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.’

**CRM-M-23660-2024****-3-**

4. Later on 29.07.2024, following order had been passed by this Court: -

‘Learned counsel for the petitioner submits that the petitioner has visited the Investigating Officer of the case twice to join the investigation but has not been allowed to do so.

2. The learned State counsel submits that as per the instructions the petitioner has not joined the investigation.

3. Faced with this situation, the petitioner is now directed to join the investigation on 31.07.2024 at 11.00 A.M. by appearing in the Police Station, Kundli, District Sonapat. In compliance to the order dated 22.05.2024, the learned State counsel is requested to convey to the Investigating Officer to do the needful.

6. List on 20.08.2024.

7. The Investigating Officer of the case is directed to remain present in Court along with record on that date.

8. Interim order to continue till the next date of hearing.’

5. Learned State counsel on instructions from ASI Dinesh, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the orders dated 22.05.2024 and 29.07.2024 passed by this Court, interim bail granted vide orders dated 22.05.2024 and 29.07.2024 are hereby confirmed, subject to conditions

CRM-M-23660-2024

-4-

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.

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

20.08.2024
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(SANJIV BERRY)
JUDGE

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