



CRM-M-29540-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision : July 29, 2024

DARSHAN LAL BHATIA AND OTHERS**-PETITIONERS****V/S****STATE OF HARYANA****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Ankit Singla, Advocate with
Mr. Dharamvir Sharma, Advocate
for the petitioners.

Mr. Bhupender Singh, D.A.G., Haryana.

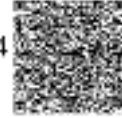
Mr. Shubham Bhardwaj, Advocate with
Ms. Manreet Kaur, Advocate and
Ms. Varda, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. On 06.06.2024, a Co-ordinate Bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Prayer in this petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioners in case bearing FIR No.190 dated 01.04.2024, under Sections 506, 509 read with Section 34 of the Indian Penal Code, 1860 (Section 306 of the Indian Penal Code was added later on), registered at Police Station Kotwali, District Faridabad, Haryana (Annexure P-1).

2. Learned counsel for the petitioners submits that initially the present FIR was registered under Sections 506, 509 read with Section 34 of the Indian Penal Code and the petitioners had moved the anticipatory bail application before the Court of learned Addl. Sessions Judge, Faridabad, wherein the petitioners have been granted the ad-interim relief vide order dated 09.04.2024 and the

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same was confirmed on 23.04.2024 (Annexures P-5 and P-6 respectively). Thereafter, Dalip Bhatia (husband of the complainant) committed suicide and Section 306 of the Indian Penal Code, 1860 was added by the police authorities vide Annexure P-7.

2.1 Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. It is submitted that no overt act has been attributed to the petitioners. It has been further submitted that the petitioners have not instigated Dalip Bhatia-deceased (husband of the complainant) to commit suicide. Learned counsel for the petitioners further submits that the present FIR has been registered against the petitioners in order to grab the family property. Learned counsel further submits that the petitioners are not involved in any other case.

2.2 It is further submitted that the second bail application under Section 438 of the Code of Criminal Procedure was filed on behalf of the petitioners before the Court of learned Additional Sessions Judge, Faridabad, which was wrongly declined vide order dated 30.05.2024 (Annexure P-8). It is next submitted that the petitioners have already joined the investigation under Sections 506, 509 read with Section 34 of the Indian Penal Code and are ready and willing to join the investigation under Section 306 of the Indian Penal Code as well, as and when required by the Investigating Agency or as directed by this Court/trial Court.

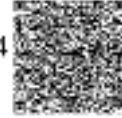
3. Notice of motion.

4. At the asking of Court, Mr. Manish Dadwal, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent/State and prays for an accommodation to get instructions and assist in this matter.

5. Learned counsel for the petitioners is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.

6. List on 29.07.2024.

7. In the meantime, the petitioners are directed to join the investigation and co-operate fully in the investigation process; and in the event of their arrest, they be released on interim bail, subject to their furnishing personal bonds and surety to the satisfaction of



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the Arresting/Investigating Officer. However, the petitioners 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.”

2. Mr. Shubham Bhardwaj, Advocate, who records his appearance on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today, has vociferously opposed the grant of anticipatory bail to the petitioners.

3. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioners had joined investigation and they are no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 06.06.2024, as made by a Co-ordinate Bench of this Court, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioners shall not commit an offence similar to the present offence;

(ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioners shall make themselves available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

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6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

July 29, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No