



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

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CRM -M -29762-2024

Date of Decision : **August 08, 2024**

KULDEEP

.....Petitioner

***VERSUS***

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Ms. Rashi Shahrawat, Advocate for the petitioner.  
Mr. Bhupender Singh, D.A.G., Haryana.  
Mr. Ram Pal Verma, Advocate for the complainant.

**KULDEEP TIWARI, J. (Oral)**

1. Learned counsel for the petitioner has placed on record the photocopy of receipt depicting that the costs, as imposed upon him by this Court has been paid.
2. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.60 dated 22.4.2024, under Sections 34, 323, 341, 365, of IPC, registered at Police Station Machhroli, District Jhajjar, Haryana.
3. On 14.6.2024, a co-ordinate Bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

*“Learned counsel for the petitioner inter alia submits that before the Court of the Addl. Sessions Judge, Jhajjar also interim protection had been granted to the petitioner but subsequently the petition for anticipatory bail was dismissed on*



*the ground that the petitioner had not cooperated with the investigating agency.*

*Learned counsel submits that the petitioner had duly cooperated with the investigating agency and is still willing to cooperate with the investigation.*

*Notice of motion.*

*Mr. Amit Aggarwal, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State. Complete copy of the paper book be supplied to him during the course of the day*

*List on 08.07.2024.*

*In the meantime, the petitioner is directed to appear before the Arresting/Investigating Officer and join investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of the Arresting/Investigating Officer, subject to compliance of the provisions of Section 438 (2) Cr.P.C.”*

4. On 8.7.2024, the learned State counsel had informed this Court that though the petitioner had joined the investigation but he had not cooperated. Thereupon, the petitioner was again directed to re-join the investigation and to fully cooperate. On 25.7.2024, the situation remained the same as the petitioner though in deference of directions issued by this Court on 8.7.2024 had joined the investigation but had not fully cooperated as the petitioner fully remained evasive to the questionnaire supplied by the Investigating Officer.

5. Today, during the course of hearing, the learned State counsel on instructions imparted to him by ASI Rajiv informs this Court that



though the petitioner has now disclosed the name of other accused persons but still the document which allegedly got signed by the petitioner from the complainant under coercion has not been recovered.

6. Faced with the above difficulty, the learned counsel for the petitioner submits that no such document was ever got signed by the petitioner, as alleged in the FIR. She further submits that there is no occasion for the complainant to say that such document has been ever created or got signed as the civil suit is still pending between the parties and such document has not been utilized by the petitioner. She further submits that in case such document is utilized in future only then the grievance of the complainant can be considered as genuine.

7. This Court has gone through the rival submissions made by the learned counsel for the parties concerned.

8. The perusal of the FIR reflects that the allegations against the petitioner are that he alongwith other three persons had abducted the complainant and thereupon, made him to sign some document, which carries writing that the civil matter, which is pending between the complainant and the petitioner is settled and the complainant has received the entire dispute amount.

9. Since the petitioner has already joined the investigation and has suffered a specific statement before this Court that no such document(s) has ever got signed by the petitioner, therefore, this Court is of the view that the custodial interrogation of the petitioner is not required.



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10. In view of the above, the hereinabove extracted interim order dated 14.6.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

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

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

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

11. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

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

August 08, 2024  
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(KULDEEP TIWARI)  
JUDGE

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