



104

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31860-2024
DATE OF DECISION: 08.07.2024

VIJAY KUMAR ALIAS BUDH RAM MANDA
...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Sidhu, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.171 dated 21.06.2024 registered under Sections 147/148/149/323/341/427/452/506/509 IPC at Police Station Ding, District Sirsa.
2. Learned counsel for the petitioner submits that as per version narrated in the FIR, no specific role has been attributed including any injury whatsoever given on the person of the complainant or any other member of the complainant group. Whatsoever injury caused to the complainant party has been attributed to the other co-accused persons that too have been declared simple in nature. As per injury part is concerned he further submits it is only on account of breach of the agreement on behalf of the complainant party which relates to a disputed plot in question. Both the parties have

**CRM-M-31860-2024****-2-**

agreed not to enter into the area of disputed plot till the dispute has been resolved and on that account a minor scuffle is alleged to have taken place. The present FIR is alleged to be a tool of pressure to create coercion upon the petitioner for departing with the possession of the plot in dispute, without there being any iota of truth in it.

3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions from the pairvi report could not controvert the aforesaid facts as narrated by the petitioner and the same is also evident from the facts narrated in the FIR.

5. In light of the above, since the State could not put forth any reason for custodial interrogation of the petitioner as nothing is to be recovered from petitioner's possession, and except for the fact that they require him for interrogation to reach a logical end in the FIR, who also fairly informs the Court that the name of the petitioner was revealed by one of the co-accused Bhagat Singh in the disclosure statement and except that disclosure statement, there is no incriminating material against the petitioner to connect the petitioner with the commissioning of the offence.

6. After having heard learned counsel for the parties, this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.



CRM-M-31860-2024

-3-

7. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of 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.
8. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.
9. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

08.07.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>