

Satbir Singh @ Sonu ...Petitioner

State of Haryana ...Respondent

Present: Ms. Molly A. Lakhanpal, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

GURBIR SINGH, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.246 dated 09.08.2023 under Sections 147/149/447/506/511 of IPC, 1860 and Section 25 of Arms Act, 1959 registered at Police Station Kalayat, District Kaithal.

2. Vide order dated 20.01.2024 co-ordinate Bench of this Court had granted interim bail to the petitioner and directed him to join investigation. The same is reproduced as under:-

“Present petition has been filed under Section 438 Cr.P.C seeking pre-arrest bail in FIR No. 246 dated 09.08.2023 registered under Sections 147, 447, 506 & 511 read with Section 149 IPC and Section 25 of Arms Act, 1959 at Police Station, Kalayat, District Kaithal.

2. *Allegations are that during night of August 07, 2023, petitioner along with 4/5 unknown accomplice(s), demolished the back wall of the show-room belonging to complainant Manoj Kumar.*

3. *It is contended by learned counsel for petitioner that FIR has been registered as a counterblast to the civil lis pending between the parties before the Court of competent jurisdiction and reference has*

been made to order dated March 21, 2023. She further submits that petitioner has joined investigation twice, but investigating officer is harassing him unnecessarily.

4. On the other hand, learned State counsel, after obtaining instructions from concerned quarter, although, not able to dispute the pendency of civil suit between the parties, but he opposed the prayer on the premise that petitioner is not cooperating with the Investigating Officer and JCB machine used by him for commission of the alleged offence is yet to be recovered.

5. It transpires that vide order dated 13.10.2023, petitioner was directed to appear before the Investigating Officer on 17.10.2023 at 11.00 a.m. in Police Station Kalayat, District Kaithal. There is no dispute that petitioner appeared before the investigating officer on that day; yet the officer was not able to elicit the desired information/material regarding the complicity of petitioner. So far as the non-production of JCB machine is concerned, it appears to be quite inconceivable, as the Machine is not a small item, which can be kept concealed by the petitioner easily; rather it seems, prima facie, that either the investigating officer is not taking any interest in the matter; or he is lacking capacity to handle the assigned task.

6. In view of the above and specially for fair investigation, the Superintendent of Police, Kaithal is directed to entrust the ongoing investigation to some other officer.

7. Posted for 02.02.2024.

8. Till the next date of hearing, interim order to continue.

9. Petitioner is again directed to join investigation as and when called to do so.”

3. Status report dated 27.01.2024 by way of affidavit of Mr. Lalit Kumar, HPS, DSP (AEC) Kaithal has already been filed on behalf of the respondent-State, which is taken on record. Copy has been supplied to the counsel for the petitioner.

4. Learned State counsel, on instructions from ASI, Sanjay submits that in compliance of order dated 24.08.2023 petitioner has already joined

investigation and he is not required for any custodial interrogation.

- 5. I have heard learned counsel for the parties.
- 6. In view of the fact that the petitioner has joined investigation and no purpose would be served with his custodial interrogation, the order dated 24.08.2023 granting interim bail to the petitioner is made absolute. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.
- 7. Petition stands disposed of accordingly.

02.07.2024
dinesh/Parveen kumar

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No