

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.42828 of 2023
Date of decision : 11.01.2024

Kashmir Singh

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG Haryana.

Mr. Deepak Grover, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.196 dated 27.07.2023 under Sections 148, 149, 323, 379-B, 452, 506 of IPC registered at Police Station Ismailabad, District Kurukshetra.

2 While issuing notice of motion, following order has been passed:-

“Status report by way of an affidvit of DSP, Pehowa, District Kurukshetra has been filed on behalf of the respondent/State in Court today and the same is taken on record.

Copy thereof has been supplied to the counsel opposite. Adjourned to 19.12.2023.

Meanwhile, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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) Cr.P.C.”

3 Learned counsel for the petitioner submits that with respect to the conduct of one Akash, there was a complaint filed by the petitioner party as well on which FIR No.198 dated 27.07.2023 was registered after the present FIR No.196 dated 27.07.2023 came into being at 8.50 p.m. Thus, it was a matter wherein the parties were levelling allegations and counter-allegations.

4 Learned counsel for the complainant, however, has emphatically opposed the bail plea claiming that there are serious allegations against the petitioner. All the culprits trespassed into the house and mercilessly injured Akash and was ultimately done away to death.

5 Faced with the situation, learned counsel for the petitioner submits that whole of the allegations being levelled with respect to death of Akash are wrong, as in FIR at the behest of Aman, brother of the deceased was got registered i.e. FIR No.0044 dated 07.08.2023 with GRP, Ambala Cantt, P.S. GRP Kurukshetra *qua* offences punishable under Section 306 read with Section 34 of IPC, wherein it was alleged that the petitioners abated suicide of Akash.

6 Without commenting upon the merits of the case and keeping in view that the petitioner has stated to have joined the investigation and as per the learned State counsel on instructions from ASI Diler Singh, has stated that pursuant to the order dated 11.09.2023, the petitioner has joined and is no more required for custodial interrogation.

7 In view of the above, the interim order dated 11.09.2023

passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

8 This order should not be treated as “blanket” order. It will not be read granting petitioner 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.

9 This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

10 The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

11 It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

12 Petition stands disposed off.

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

(PANKAJ JAIN)
JUDGE

11.01.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No