

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2024:PHHC:012987
CRM-M-47695-2023
Date of Decision: January 31, 2024

Jagdev Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ajeet Pal Singh Pakka, Advocate for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.
Mr. Lal Singh Sandhu, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

On 21.09.2023, following order was passed by this Court:-

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.450, dated 26.08.2022, registered under Sections 323, 427, 452, 34 of the IPC, at Police Station City Dabwali, District Sirsa.

Learned counsel for the petitioner submits that the FIR was lodged on the complaint of Sukhedarshan Singh, as per which on 13.07.2022 at about 11.45 a.m., a Scorpio vehicle having duplicate number plate and one Ford tractor with harrow without number plate came to his house, broke the wall and tried to enter his house. There were 15/20 culprits. Police was called and the culprits were apprehended but after taking them to the police station, they were let off free. The complainant moved an application before SP, Sirsa and the matter was inquired into by a DSP and then the FIR was registered. Petitioner was found to be one of the culprits during the inquiry.

Learned counsel for the petitioner contends that the petitioner was not named in the initial version and that there is a delay of more than one month in registration of the FIR and the petitioner is ready to join investigation.

Notice of motion.

On the asking of the Court, Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent-State. He seeks time to file reply to the petition.

Adjourned to 15.11.2023.

In the meanwhile, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the arresting officer/investigating officer. However, it is directed that the petitioner shall join the investigation as and when so required by the investigating officer. He shall not contact any person associate with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

The specific stand was taken by the respondent-State that petitioner has joined the investigation, in compliance of the order dated 21.09.2023 and that he is no longer required for further investigation.

2. Learned State counsel submits that said statement was made by him on instructions from ASI Rohtash.

3. However, learned counsel for the complainant has opposed the petition by providing a list of 14 cases, in which petitioner is stated to be involved.

4. Once, the stand is taken by the respondent-State that the petitioner has already joined the investigation and is no longer required for further investigation, mere involvement of the petitioner in other cases, cannot be a ground to decline the benefit of granting anticipatory bail.

5. In view of the aforesaid, the order dated 21.09.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

January 31, 2024

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable:

Yes/No