

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

**CRM-M-54588-2023**

**Date of decision: 30.01.2024**

**BALDEV SINGH**

**...PETITIONER(S)**

## VERSUS

STATE OF HARYANA

....RESPONDENT(S)

**CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Namit Khurana , Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Rohit, Advocate for the complainant.

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**SANJIV BERRY, J.(ORAL)**

1. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

| <b>FIR No.</b> | <b>Dated</b> | <b>Sections</b>                         | <b>Police Station</b>           |
|----------------|--------------|-----------------------------------------|---------------------------------|
| 342            | 08.10.2023   | 148, 149, 323, 324, 427 and 506 of IPC. | Chappar, District Yamuna Nagar. |

2. Learned counsel for the petitioner submits that in compliance to the order dated 02.11.2023 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 02.11.2023.

3. Learned State counsel, on instructions from ASI Surender Singh, intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. During the course of hearing on 02.11.2023, following order was passed:

*“Prayer in the present petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.342 dated 08.10.2023 (Annexure P-1) under Sections 148, 149, 323, 324, 427 & 506 IPC registered at Police Station Chappar, District Yamuna Nagar.*

*Learned counsel for the petitioner has argued that petitioner is innocent and has been falsely implicated in the present case. It is submitted that present FIR is counterblast to the complaint of the incident of the same date, which was made on the same day but prior in time. It is submitted that petitioner is a senior citizen being 73 years of age. The occurrence is alleged to have taken place on 07.10.2023 at about 7.30 PM whereas the FIR was lodged on the following date and no explanation is forthcoming for the delay. It is apparent that the same has been lodged after due deliberation. The petitioner has civil litigation going on with regard to the land on which he has sown crops and there is an order of status quo operating in favour of the petitioner and others. Petitioner is ready to join investigation and cooperate with the investigating agency.*

*Notice of motion.*

*Ms. Ambika Sood, Addl. A.G. Haryana, accepts notice on behalf of respondent-State and waives service. She prays for time to file reply/status report.*

*Mr. Ramnish Puri, Advocate, puts in appearance on behalf of complainant and filed his Memo of Appearance, which is taken on record.*

*List on 14.12.2023.*

*In the meanwhile, petitioner shall join the investigation*

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*and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”*

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 02.11.2023 is hereby confirmed in the present FIR No.342, dated 08.10.2023 under Sections 148, 149, 323, 324, 427 and 506 of IPC (Annexure P-1), subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)  
JUDGE

30.01.2024  
kanika

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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |