

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-56673-2023
Date of decision: 25.01.2024

ARPAN

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

On the last date of hearing i.e on 09.11.2023, the following order was
passed:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of his being enlarged on anticipatory bail, in case FIR No.228 dated 30.03.2021, under Sections 323, 452, 506, 34 of the IPC (offence under Section 307 of the IPC added subsequently), registered at P.S. City Yamuna Nagar, District Yamuna Nagar.

2. The allegation against the petitioner is that he along with his coaccused had inflicted injuries to the complainant and another person.

3. The learned counsel for the petitioner submits that apparently the name of the petitioner does not reflect in the FIR, as the allegations in the FIR are levelled against the sons of Satnam Singh, i.e. father of the petitioner herein. Even if the petitioner is assumingly named in the FIR, yet during the course of investigation, he was found innocent. The Final Report under Section 173 of the Cr.P.C. was presented only qua Satnam Singh and Raj Kumar @ Pappu. However, it is only the course of trial proceedings, that an application under Section 319 Cr.P.C. was filed by the prosecution agency, thereby seeking summoning of petitioner and one

Gurjant Singh. However, the said application was dismissed vide order dated 30.04.2022. A revision petition against the dismissal order (supra), as made upon the application (supra), is pending adjudication before this Court.

4. The learned counsel for the petitioner further submits that what has triggered the petitioner to march towards this Court, is that, in view of order dated 16365-67/CC dated 02.09.2021, issued by the Director General of Police, Ambala Division, Ambala Cantt., investigation of the present case has been transferred from District Yamuna Nagar to District Kurukshetra and thereafter, in view of order passed by the Superintendent of Police, Kurukshetra, a S.I.T. has been constituted, who are calling the petitioner to join investigation. However, no prior permission has been obtained by the official(s) concerned, from the court concerned, for constituting a S.I.T. Therefore, the petitioner apprehends that, under the guise of asking the petitioner to join investigation, the police official(s) intend to arrest him.

5. It is further submitted by the learned counsel for the petitioner that the other co-accused have been released on regular bail and the petitioner is also ready to join the investigation. Though he has also placed reliance upon a compromise being effected inter se the parties, however, at this stage, this Court is not taking cognizance of any alleged compromise, in the absence of the complainant before this Court.

6. Notice of motion for 25.01.2024.

10. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of State of Haryana.

11. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."

Learned counsel for the petitioner submits that in pursuance of the order dated 09.11.2023, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Jasmer Singh, submits that the petitioner has joined the investigation and he is not required for

any further custodial interrogation.

In view of the statement made by learned State counsel, the interim order dated 09.11.2023, is hereby made absolute.

25.01.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No