

CRM-M-58419-2023

Date of decision : 23.04.2024

KARAMJEET SINGH

...PETITIONER

Versus

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI.J. (ORAL)

1. On the last date of hearing, i.e. 20.11.2023, the following order was passed:-

“Through this petition, filed under Section 438 Cr.P.C., relief of anticipatory bail has been sought in case FIR No.243 dated 03.09.2023, under Section 3(1) of Prevention of Damage to Public Property Act, 1984 and Sections 332, 34, 353, 379, 430, 506 of IPC, 1860 registered at Police Station Sadar Ratia, District Fatehabad (Haryana).

The prosecution agency was set into motion, on a complaint made by one Hawa Singh, son of Balwant Singh, who is stated to be an Executive Engineer in Sub Division, Ratia, Irrigation Department Fatehabad Division. In the night of 02/03.09.2023, he along with Madan Lal-Canal Guard, Mukesh Kumar Beldar, Bhora Ram Beldar with driver-Harish Kumar was on patrolling duty, to check the water theft, and were on their official vehicle bearing registration no. HR-22GV/6767, and when they reached on the burji bearing no.25100/2 Khunan, Rajbaha, then, found Toti, Kala and two unknown persons committing water theft by affixing pipe directly in the canal. When they (complainant) tried to stop them, the accused persons came in passion and attacked on

the complainant. Toti, resident of Nagpur gave a blow of kassi on his hand. He (complainant) took a side and the accused broke the side mirror of the driver side with the kassi. He also attacked the colleagues of the complainant and manhandled them, and threatened to kill them. The complainant has a narrow escape. On this, the case for the commission of the abovesaid offences was got registered and on registration of the FIR, the case was investigated upon by PSI Ashok Kumar. On the identification of the complainant, the spot was inspected. The vehicle no.HR-22GV/6767 was taken into police custody vide recovery memo. It was got mechanically examined. During the investigation, the accused Karamjeet @ Toti and the other accused Kala was named and the two other unknown accused were identified from the accused Karamjeet @ Toti.

Learned counsel for the petitioner submits that, there are allegations that the petitioner has used spade, in order to cause injuries to the official concerned, however, no injury was caused to him. He further submits that the allegations are of trivial nature, i.e. theft of water. Learned counsel for the petitioner also submits that the petitioner is ready and willing to join the investigation before the investigating agency.

Notice of motion for 14.02.2024.

Mr. Bhupender Singh, DAG, Haryana, waives service of notice on behalf of the respondent-State.

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 bond 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.”

2. Today, the learned State counsel on instructions imparted to him by ASI Gurpal, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 20.11.2023, is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

23.04.2024
monika

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No