PARAMJIT KAUR SAINI
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In the High Court of Punjab and Haryana at Chandigarh

CRM-M-39435 of 2014
Date of Decision: 13.01.2015

Harchandi and another

---Petitioners

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. S.K.Panwar, Advocate
for the petitioners

Mr. Rajesh Gaur, Addl. A.G.Haryana assisted by
Mr. Surinder Dagar, Advocate for the complainant
for the respondent-State

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

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REKHA MITTAL, J.

Counsel for the petitioners submits that Rakesh, petitioner No. 2 has already joined investigation in compliance with interim bail granted by this Court. It is further submitted that injury constituting offence under Section 326 of the Indian Penal Code (in short "IPC') is on the non-vital part of body of the victim, therefore, petitioner No. 1 namely Harchandi may also be allowed benefit of bail in anticipation of arrest.

Counsel for the State of Haryana, on instruction from HC Ravi Kumar, has conceded to the factual assertions that Rakesh has joined investigation and further states that his custodial interrogation is not required. However, he has seriously opposed the prayer for bail in

anticipation of arrest of Harchandi with the submission that weapon of offence is to be recovered and he caused grievous injury to the victim.

I have heard counsel for the parties and perused the records.

In view of the above, interim bail granted to petitioner Rakesh is made absolute subject to the conditions laid down in order dated 19.11.2014.

As grievous injury constituting offence under Section 326 IPC has been attributed to petitioner Harchandi and weapon of offence is yet to be recovered, custodial interrogation of petitioner Harchandi is required which disentitles him to seek bail in anticipation of arrest. Accordingly, petition filed by Harchandi petitioner is ordered to be dismissed.

(REKHA MITTAL)
JUDGE

13.01.2015
PARAMJIT