

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-44400 of 2014
Date of Decision:- 12.02.2015

Devraj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. Robin Lohan, Advocate,
for the petitioner.**

**Mr. Naveen Sheoran, D.A.G., Haryana
for the State.**

**Mr. Vikrant Hooda, Advocate
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of anticipatory bail, in a case registered against him along with his other co-accused, vide FIR No.432 dated 15.10.2014, on accusation of having committed the offences punishable under Sections 323 and 325 read with Section 34 IPC (the offence punishable under Section 307 IPC was later on added), by the police of Police Station Sadar Bahadurgarh, District Jhajjar.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed by a Co-ordinate Bench of this Court (Surinder Gupta, J.) on December 26, 2014: -

“Heard.

Learned counsel for the petitioner submits that learned trial court while declining the anticipatory bail has observed that the petitioner had given a lathi blow on the head of injured Rajbir, while as per the allegations in the FIR, petitioner has been attributed Danda blow on the back of injured Rajbir. The petitioner is already on bail for the offences punishable under Sections 323, 325 read with Section 34 of Indian Penal Code.

Notice of motion for 12.02.2015.

In the meanwhile, the petitioner is directed to surrender before the police and join investigation. In the event of his arrest being required, he shall be released on interim bail subject to his furnishing bail bond and surety bond to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of anticipatory bail allowed to him.”

5. At the very outset, on instructions from HC Baldev Singh, learned State Counsel has acknowledged the relevant factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail, in this Court.

February 12, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE