

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

CRM No.M-6452 of 2015 (O&M)

Date of decision: 30.04.2015

Kuldeep

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of anticipatory bail to the petitioner in case FIR No.333 dated 18.11.2014, under Sections 323/341/506 IPC (Sections 325 and 307 IPC added lateron), registered at Police Station Badhra, District Bhiwani.

Counsel for the parties have been heard.

While issuing notice of motion on 26.02.2015, the following order was passed by this Court:

“The petitioner prays for grant of bail in anticipation of arrest in regard to offence under Section 307 of the Indian Penal Code (in short“IPC”) added later in FIR No. 333 dated 18.11.2014 at Police Station Badhra, District Bhiwani for offence under Sections 323, 341, 506 IPC (Section 325 IPC added later).

Counsel for the petitioner contends that the petitioner was arrested in the case and released on regular bail by the Judicial Magistrate on 18.12.2014(Annexure P-3). The injury on the basis whereof offence under Section 307 IPC has been added has been attributed to non-applicant Ajay Kumar. The

injured victim was discharged from the hospital within 4-5 days from the date of occurrence. Custodial interrogation of the petitioner is not required as he was earlier arrested in the case. The petitioner is ready to face proceedings in accordance with law.

Notice of motion for 30.4.2015.

In the meantime, the petitioner is directed to join investigation within seven days and on his appearance before the arresting/investigating officer, he shall be admitted to bail on his furnishing bail bonds to the satisfaction of the concerned officer subject to the following conditions:-

i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and

(iii) he shall not leave India without previous permission of the Court.”

Learned State counsel upon instructions from HC Bal Kishan would apprise the Court that the petitioner has joined investigation. Furthermore, the observations contained in the notice of motion order have not been disputed and rather State counsel would concede that only a *danda* blow has been attributed to the present petitioner.

Custodial interrogation of the petitioner is not warranted.

Accordingly, petition is allowed. Order dated 26.02.2015 passed by this Court is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

30.04.2015
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