

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8459 of 2015 (O&M)

Date of decision:-25.5.2015.

Akram

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

Mr. M.S Sidhu, Addl.A.G., Haryana.

Mr.Vimal Kumar Gupta, Advocate for the complainant.

TEJINDER SINGH DHINDSA, J. (ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C seeking the concession of anticipatory bail to the petitioner in case FIR No. 227 dated 06.12.2014 under Sections 323,506,34 IPC (Lateron added Section 307 IPC) at Police Station Sadar Yamuna Nagar, District Yamuna Nagar, Haryana.

Counsel for the parties have been heard.

The instant petition came up for preliminary hearing on 20.3.2015 and while issuing notice of motion, following order was passed.

“Counsel would inter alia contend that the injury upon the person of Ubed which has attracted the offence under section 307 I.P.C has been attributed to co-accused Mukram, who is alleged to have given an iron rod blow upon his head. It is further submitted that in so far as the present petitioner is concerned allegation is of having given a danda blow on the body of Ubed and such injury has been opined to be simple in nature.

Notice of motion, returnable for 25.5.2015.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Ram Kumar would apprise the Court that the petitioner has since joined the investigation and even the *danda* has been recovered from him.

It has also gone uncontroverted that Ubed had suffered one injury on his head, which has been opined to be dangerous to life, thereby attracting offence under Section 307 IPC and the same was attributed to the co-accused Mukram that is brother of the petitioner and who is alleged to have given an iron rod blow. Court has been apprised that Mukram who was arrested on 09.5.2015 and is presently in custody and iron rod has been recovered from him.

In the light of the circumstances noticed hereinabove, the present petitioner is held entitled to the concession of pre arrest bail.

Petition is allowed.

Order dated 20.3.2015 passed by this Court is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.5.2015

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