

CRM-M No.16400 of 2016 (O&M)

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**206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.16400 of 2016 (O&M)
Date of Decision : 23.08.2016**

Surender Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Parminder Singh, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.135 dated 25.03.2016 registered under Sections 325/323/506/326/34 IPC at Police Station Gharaunda, District Karnal.

On 12.05.2016 the following order was passed:-

“Counsel would submit that it is a case of version and crossversion. F.I.R No.135 dated 25.3.2016 under sections 148, 149, 323, 506, 307 I.P.C had already been registered

against the complainant party.

Present petitioner is now seeking concession of anticipatory bail in the cross-version registered vide Rapat No.37 dated 26.3.2016.

Counsel would contend that the petitioner had earlier joined investigation and had been granted bail but subsequently offence under section 326 I.P.C has been added and under such circumstances custodial interrogation would not be warranted.

Notice of motion, returnable for 23.8.2016.

In the meanwhile, petitioner is directed to join investigation.

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 counsel for the petitioner has argued that earlier Section 326 IPC had not been added and the petitioner has been released on regular bail. The injuries to which Section 326 IPC has been attracted are the loss of one tooth and one fracture, both of which have not been attributed to the petitioner and the petitioner himself received six injuries.

Learned Deputy Advocate General on instructions from ASI Jatinder Singh has accepted these factual assertions.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 12.05.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

23.08.2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No