

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

Sr. No.202

CRM NO. M-25322 of 2016
DECIDED ON: December 16, 2016

RAMBIR

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. K.P.Singh, Advocate,
for the petitioner.

Ms. Harpreet Kaur, DAG, Haryana.

Mr. Sarfraj Hussain, Advocate,
for the complainant.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner Rambir has sought pre-arrest, feeling apprehension of his arrest, in case bearing FIR No. 233, dated June 08, 2016, under Sections 323, 452, 506 & 34 IPC (Section 325/307 IPC added later on), registered at Police Station Pataudi, District Gurgaon, during the pendency of trial.

At the time of issuance of notice of motion on July 27, 2016, following order was passed by this Court:

“Learned counsel for the petitioner has inter-alia contended that only a simple injury alleged to have been caused with iron Favda has been attributed to the present petitioner and an injury which falls within the ambit of Section 307 IPC, has been attributed to his co-accused.

Notice of motion for 13.09.2016.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions, as envisaged under section 438(2) Cr.P.C.”

Concededly, petitioner has joined the investigation in compliance of order dated July 27, 2016 passed by this Court. Otherwise also, during the course of arguments, it has emerged that an injury which has been attributed to the petitioner, falls within the ambit of Section 323 IPC and injury falls within the ambit of Section 307 IPC has been attributed to the non-applicant. The investigation is still going on.

In view of the fact that petitioner has already joined the investigation before the trial Court and he is no more required for further custodial interrogation, instant petition is allowed.

Accordingly, order dated July 27, 2016 is made absolute and shall enure during the pendency of trial.

However, petitioner shall abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

December 16, 2016
Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No