

CRM-M No. 27848 of 2016

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 27848 of 2016
Date of decision : August 22, 2016

Ajaib @ Jaib Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present:- Mr. M. S. Joshi, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. Advocate
General, Haryana.

AJAY TEWARI, J (oral).

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 239 dated 29.7.2016 under Sections 148, 149, 323, 427, 452 and 506 IPC at Police Station Sadar Tohana District Fatehabad.

Learned counsel for the petitioner has argued that the injuries which were given to the complainant were simple in nature.

As per the FIR there are allegation against the petitioner that he along with other persons caused injuries to the complainant with dandas and the petitioner gave a kirpan blow in his head.

At the very outset, learned Additional Advocate General, Haryana on instructions from ASI Rajender Parasad has accepted that the injuries caused to the complainant were simple in nature.

On the last date of hearing, the following order was passed:-

“Petitioner seeks the concession of pre-arrest bail

in a case registered at the instance of Sukdhev alleging that the petitioner along with others had entered his shop and assaulted him.

So far as petitioner is concerned, he had allegedly given a kirpan blow on the head of complainant.

Counsel for the petitioner submits that the injury attributed to the petitioner has not been declared grievous till date and is still under observation. He claims that all the offences except offence under Section 452 IPC are bailable.

Notice to Advocate General, Haryana, for August 19, 2016.

On the asking of the Court, Mr. G.S. Salwara, DAG, Haryana, accepts notice. Copy given.

Medical report of the injured be made available to enable this Court to determine the nature of the injury attributed to the petitioner. The x-ray report of the injured be also made available on next date of hearing.”

Be that as it may, in the circumstances, keeping in view the above facts, without commenting on the merits of the case, let the petitioner surrender before the Investigating officer on 2.9.2016 and the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/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.

Ordered accordingly.

Petition stands allowed.

(AJAY TEWARI)
JUDGE

August 22 , 2016
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No