

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

CRM-M-44002-2016

Date of Decision: 18.01.2017

Shiv Dayal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. D.S. Adlakha, Advocate,
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner-Shiv Dayal has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.209 dated 29.10.2016, registered at Police Station Chhappar, District Yamuna Nagar, under Sections 323, 324, 326, 506 and 34 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned State counsel and have gone through the record.

Learned counsel for the petitioner submitted that earlier, the petitioner was arrested and released on bail by the concerned court under Sections 323, 324, 506 and 34 IPC. He further submitted that Section 326 IPC has been added later on and grievous injury on the person of complainant-injured has not been attributed to the present petitioner.

All these facts have not been disputed by learned State counsel.

Moreover, in pursuance of the interim order dated 08.12.2016 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. Therefore, no useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 08.12.2016, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

18.01.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No