

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

**CRM No.M-6841 of 2017 (O&M)
Date of Decision: 18.05.2017**

Satender Kumar @ Manu

... Petitioner

Versus

State of Haryana

... Respondent

2.CRM No.M-10859 of 2017 (O&M)

Mohit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Prateek Gupta, Advocate and
Mr. Brijender Kaushik, Advocate for the petitioner(s).

Mr. Satish Saini, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM-M-6841-2017 (Satender Kumar @ Manu Vs. State of Haryana) and CRM-M-10859-2017 (Mohit Vs. State of Haryana) as both these petitions have been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners herein in case FIR No.11, dated 15.01.2017, under Sections 148/149/323/324/326/341/506 IPC, registered at Police Station Shahzadpur, District Ambala.

While issuing notice of motion in CRM-M-6841-2017 on 02.03.2017, the following order was passed by this Court.

*“The instant petition has been filed under Section 438
Cr.P.C. seeking concession of anticipatory bail to the*

petitioner in case FIR No.11 dated 15.01.2017, under Sections 148, 149, 323, 324, 326, 341 and 506 of IPC, registered at Police Station Shahzadpur, District Ambala.

Counsel would contend that even as per version of the complainant, namely, Avinash Sharma, the occurrence took place on 14.01.2017 and on account of a previous grudge nursed by main accused Nikhil @ Anshul. Further contended that the injury that has attracted offence under Section 326 IPC is attributed specifically to co-accused Nikhil @ Anshul having given a gandasi blow which hit about the left eye of the complainant.

Insofar as the present petitioner is concerned he has been attributed a gandasi blow which landed on the back of the complainant.

Notice of motion, returnable for 18.05.2017.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, 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.”

Likewise, the notice of motion order dated 30.03.2017 passed in CRM-M-10859-2017 reads in the following terms:

“Instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.11 dated 15.01.2017, under Sections 148, 149, 323, 324, 326, 341 and 506 IPC, registered at Police Station Shahzadpur, Ambala.

Counsel would contend that even as per version of the complainant, namely, Avinash Sharma, the occurrence took place on 14.01.2017 and on account of a previous grudge

nursed by the main accused Nikhil @ Anshul. Further contended that the injury that has attracted offence under Section 326 IPC is specifically attributed to main accused Nikhil @ Anshul i.e. a gandasi blow which hit above the left eye of the complainant.

Insofar as the present petitioner is concerned, counsel submits that he has been attributed a knife blow on the shoulder of the complainant and such injury has been opined to be simple in nature.

Co-accused Satinder @ Manu has been granted interim protection by this Court in the light of order dated 02.03.2017 in CRM No.M-6841 of 2017.

Notice of motion, returnable for 18.05.2017.

To be listed along with CRM No.M-6841 of 2017.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, 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.”

Learned State counsel upon instructions from ASI Rajpal Singh apprises the Court that the petitioners in both these petitions have since joined investigation.

It has also gone uncontroverted that the injury that has attracted offence under Section 326 IPC was specifically attributed to main accused, Nikhil @ Anshul and who has since been arrested and thereafter had been granted benefit of regular bail.

In view of the facts and circumstances noticed herein above, prayer made in these connected petitions is accepted. Order dated

02.03.2017 in CRM-M-6841-2017 and order dated 30.03.2017 in CRM-M-10859-2017 passed by this Court are made absolute.

Disposed of.

18.05.2017

(TEJINDER SINGH DHINDSA)
JUDGE

harjeet

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |