

CRM-M-34975-2018

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

CRM-M-34975-2018

Date of Decision:23.08.2018

Sudesh Kinnar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Parmod Parmar, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Kurbir Narwal, Advocate,
for the complainant.

INDERJIT SINGH, J.(Oral)

Petitioner 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.367 dated 28.07.2018, registered at Police Station Beri, District Jhajjar, under Sections 323, 324, 377, 506 and 34 IPC.

Notice of motion was issued. Learned State counsel has appeared on behalf of respondent-State and complainant has also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and gone through the record.

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From the record, I find that allegation against the present petitioner is regarding giving simple injury with sharp edged weapon. As per the MLR, the said injury is superficial one. The main allegation regarding inserting a stick in the anus of the complainant is against other persons and qua that, learned State counsel has brought into notice of this Court that no external injury was found.

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 that the petitioner is not required for custodial interrogation, therefore, no useful purpose will be served by sending him to custody. Therefore, finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

23.08.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

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