

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

**CRM-M-37892-2018
Date of decision: 18.09.2018**

Jameel

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Rakesh Dhiman, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 2 dated 11.01.2018, registered under Sections 148, 149, 323, 307, 325, 452 and 506 of the IPC at Police Station Khizrabad, District Yamuna Nagar.

The operative part of the order dated 10.09.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that the petitioner is aged about 70 years and does not belong to the village of the complainant. It is further submitted that as per the allegations in the FIR, the petitioner is attributed an injury on the head of one Jahangir with a rod, however, as per the MLR, the said injury was found to be simple. Learned counsel for the petitioner further submits that the injury attracting the provisions of Section 307 IPC was received by one Muntaha and on 07.08.2018, an opinion has been obtained from PGIMER, Chandigarh which reads that “injury is grievous from neuro surgery point of view”.

Learned counsel for the petitioner further submits that it will be a debatable issue whether in view of the opinion of the PGIMER, Chandigarh, Section 307 IPC is made out or not. Learned counsel for the petitioner has further submitted that two of the co-accused, namely Roshan and Vajid, have filed two separate petitions bearing CRM-M Nos. 21100 and 22483 of 2018, in which, they have been granted concession of interim bail and those petitions are pending for 18.09.2108.

List again on 18.09.2108.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 10.09.2018, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Shamsher Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 10.09.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

September 18, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*