

CRM-M-47798-2018

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

CRM-M-47798-2018

Date of Decision: 04.12.2018

Hemraj and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Kartar Singh, Advocate,
for the petitioners.

Mr. Kuldeep Tiwari, Addl. A. G. Haryana.

INDERJIT SINGH, J. (Oral)

Petitioners-Hemraj and Om Kumar have 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.748 dated 26.09.2018, registered at Police Station Sector 7, Faridabad, under Sections 323, 384, 452, 506 and 34 of IPC and Section 25 of the Arms Act, 1959.

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

Learned counsel for the petitioners wants to withdraw the present petition qua petitioner No.1-Hemraj, who has not joined the investigation so far.

Dismissed as withdrawn qua petitioner No.1-Hemraj.

I have heard learned counsel for petitioner No.2 as well as

CRM-M-47798-2018

From the record, I find that petitioner No.2-Om Kumar is not named in the FIR. As per the allegations in the FIR, simple house trespass has been alleged and demand of some money has been raised by co-accused-Joginder Kapasia. The FIR has been registered under Sections 323, 384, 452, 506 and 34 of IPC and Section 25 of the Arms Act, 1959.

Learned counsel for petitioner No.2 submits that there is no injury caused by the accused. Even otherwise, offence Section 323 of IPC is for causing only simple injury with blunt weapon.

In pursuance of the interim order dated 30.10.2018 passed by this Court, petitioner No.2 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 petitioner No.2 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 qua petitioner No.2 and the same is allowed accordingly. The order dated 30.10.2018, granting interim bail to petitioner No.2, is made absolute. However, petitioner No.2 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.

04.12.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

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