

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

**CRM-M No.3436 of 2019
Decided on: 08.03.2019**

Pritam Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Amardeep Sheoran, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.46 dated 05.03.2018, registered under Sections 148, 149, 323, 324, 326, 506 IPC at Police Station Chhappar, District Yamuna Nagar.

The operative part of the order dated 25.01.2019, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioners submits that vide order dated 13.11.2018 passed in CRM-M-27541-2018, co-accused of the petitioners namely Pardeep Kumar, who was attributed the grievous injuries, has been granted the concession of anticipatory bail. The operative part of the order reads as under: -

“The operative part of the order dated 16.07.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...In pursuance to the order dated 10.07.2018, Dr.

V.P.S. Dahiya, is present in the Court.

Counsel for the State has filed the affidavit of Civil Surgeon, Yamuna Nagar along with the opinion of the Medical Board regarding injury No.2 sustained by Damyanti Devi. The opinion of the Medical Board is reproduced as under:-

“After perusal of MLR No.VPS/03/18 dated 04 Mar 18, X Ray No.180, report No.180 dated 05 Mar 18, photographs of the injury and the opinion given by the doctor on the application moved by the police on dated 30 Mar 18, Board of doctors have come to the conclusion that the opinion given by the doctor on application moved by the police that “The possibility of injury caused by friendly hand cannot be ruled out” is correct, and the nature of injury is grievous as per the X Ray film and report.

*Dr. Anuj Mangla, SMO Dr. Sanjeev Kumar, MO Dr. Sumita, MO
Civil Hospital Jagadhari Civil Hospital Jagadhari Civil Hospital, Jagadhari”*

In view of the same, the presence of Dr. V.P.S. Dahiya is exempted.

Counsel for the State, on instructions from SI Dharampal, has submitted that petitioner be directed to join the investigation.

List again on 13.11.2018....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 16.07.2018, the petitioner has already appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from SI Dharampal assisted with counsel for the complainant, has, however, opposed the prayer for bail on the ground that the petitioner has not got recovered the gandas.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 16.07.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C. and to the

condition that the petitioner will appear before the Investigating Officer and rejoin the investigation on 24.11.2018 at 10:00 am or on any other date or time fixed by him and co-operate throughout.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner in case he fails to join the investigation as and when required by the Investigating Officer.”

Notice of motion for 08.03.2019....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 25.01.2019, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from SI Jagpal Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 25.01.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

08.03.2019
yakub

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