

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18377 of 2019
Date of Decision: 16.08.2019

Jaideep

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Ms. Dimple Jain, A.A.G. Haryana.

Mr. D.R. Bansal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.248 dated 30.08.2018 registered for offences punishable under Sections 148, 149, 307, 323, 324 and 341 of Indian Penal Code, at Police Station Kalayat, District Kaithal.

Heard.

As per allegations in the FIR, Rajinder son of Ram Sarup and his sons, namely, Yogesh and Jaideep (petitioner) caused injuries on the person of husband of complainant-Raj Rani with knife and *lathies*. Yogesh was armed with knife.

Learned State counsel submits that injured-Ramphal, husband of complainant, suffered three injuries out of which one was caused by sharp edged weapon and two with blunt weapon.

Learned counsel for the petitioner submits that petitioner was not present at the spot. However, he could not get his call details to prove this fact as he has not been allowed interim bail so far. The police can verify this fact from his call details. Injury with sharp edged weapon was

attributed to Yogesh, who is in custody. Father of petitioner is also in custody. Petitioner is 18 years of age and has been named by the complainant being a family member.

Learned counsel for complainant submits that petitioner has now been declared proclaimed offender and two other cases of similar nature are pending against him.

As per allegations in the FIR, the petitioner has been attributed injuries with blunt weapon. It is a matter of investigation to verify his presence at the spot. However, keeping in view the fact that accused, who has been attributed injury with sharp edged weapon, has been arrested, this petition is allowed. Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on bail, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall also abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C.

In the event of petitioner not surrendering before the police within two weeks and failing to comply with conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C., this order allowing him anticipatory bail shall stand withdrawn.

August 16, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No