

In the High Court of Punjab and Haryana at Chandigarh

102+212

CRM-M-52281-2018(O & M)

Date of Decision: 06.05.2019

ANIL KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. M. K. Tanwar, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. H. N. Sahu, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No.321 dated 18.09.2018, under Sections 324, 307, 341 and 506 IPC and Sections 25/54/59 of the Arms Act (added lateron), registered at Police Station Civil Lines, Bhiwani, District Bhiwani.

Learned counsel for the petitioner contends that allegations against the petitioner are that the petitioner is stated to have given injuries with knife to the father of the complainant. He further contends that the petitioner had earlier been granted regular bail but subsequently after the receipt of the medical opinion and addition of Section 307 IPC, the petitioner was denied anticipatory bail by the trial Court. He also contends that the FIR is an outcome of sudden quarrel between the parties and the petitioner himself had suffered several injuries including injuries on his head. He has referred to the medical report in this regard after the petitioner was examined at Civil Hospital, Bhiwani while in police custody, which is at Annexure P-3. He also states that the petitioner is not involved in any other case of similar nature and he is under treatment for paralytic attack since 2018 and has referred to the medical record which has been appended as Annexure P-2.

A coordinate Bench of this Court, by the order dated 28.11.2018, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from SI Rohtash, states that the custodial interrogation of the petitioner is necessary and the petitioner is likely to flee from justice in case the bail is granted.

However, there is no material on record which would suggest that the petitioner would flee from justice especially when there is no other case against him.

In view of the submissions of learned counsel for the petitioner and keeping in view the fact that the petitioner has joined investigation, the order dated 28.11.2018 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

However, it is made clear that in case the petitioner tries to influence the witnesses either directly or indirectly or otherwise attempts to tamper with evidence, the State shall be at liberty to move an application in this regard.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

May 06, 2019
A.Kaundal

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No