

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.27123 of 2019 (O&M)
Date of decision:-September 27, 2019

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sushil Jain, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANIL KSHETARPAL J. (Oral)

On 21.06.2019, the following order was passed:

“Prayer in the petition is for grant of anticipatory bail in FIR No.159, dated 18.04.2019, registered under Sections 148/149/323/506 of the Indian Penal Code and Section 307 IPC added lateron, at Police Station Ganaur, District Sonipat.

According to the petitioner, he is a salesman in a liquor vend, whereas as per the prosecution he is a partner. The liquor vend has been opened as per the licence granted by the Excise and Taxation Department.

As per the allegations in the FIR, Rajesh-petitioner had hit Anil with wooden stick on his head and legs. The injuries attributed to the petitioner are simple in nature.

As per the allegations of the petitioner, complainant Amit Kumar is related to Sub-Inspector Mukesh, whereas this fact is denied by ASI Satbir, the Investigating Officer, who is present in Court today. He has also informed the Court that Mukesh, the earlier Investigating Officer has been changed.

It is not controverted that the petitioner pursuant to the order passed by learned Additional Sessions Judge, had joined the investigation and wooden stick has already been recovered. However, counsel for the State on instructions from ASI Satbir, has submitted that a scorio vehicle is to be recovered which according to the Investigation Officer was used in the commission of crime.

On the other hand, learned counsel for the petitioner submits that the scorio vehicle would be surrendered if it is owned by the petitioner.

Notice of motion for 02.08.2019.

On asking of the Court, Mr. Munish Dev Sharma, AAG, Haryana, accepts notice on behalf of the State. A copy of the petition be handed over to Mr. Munish Dev Sharma, AAG, Haryana, during the course of the day.

Without commenting on the merits of the case and keeping in view the fact that the petitioner has been attributed only simple injury and has already joined the investigation, therefore, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer.

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

Learned counsel for the State, on instructions from ASI Satbir Singh, submits that the petitioner has submitted that the injury which the petitioner is alleged to have caused falls under Section 323 IPC. He further submits that the petitioner has already joined investigation, co-operated and not required for further custodial interrogation at this stage.

Mr. Baljinder Singh, Advocate has put in appearance on behalf of the complainant and has strongly objected to the grant of pre-arrest bail.

Keeping in view that statement made by learned State counsel,
the order dated 21.06.2019 is made absolute.

September 27, 2019

sarita

Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

Yes

No