

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

**CRM-M No.18083 of 2020 (O&M)
Date of Decision: 15.10.2020**

Sandeep Kumar @ Deepu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gopal Singh Nahel, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana
for the respondent.

Mr. P.S.Sekhon, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.87 dated 16.07.2019, under Sections 147, 149, 341, 323, 325, 506, 379-B and 201 of the Indian Penal Code, 1860, registered at Police Station Jakhal, District Fatehabad.

As per prosecution case, on 15.07.2019 at about 07:30 AM, complainant-Sukhpal came on his motorcycle at Bus Stand Jakhal for recharging the sim of his mobile. When complainant reached near Vishavakarma *Mandir* (temple), petitioner along with other co-accused came in a white colour Car and hit the same in his motorcycle from back side, however, motorcycle did not fell and he immediately drove his motorcycle from the spot to save himself. When complainant reached near

Gas Godown, Hero Honda Agency, Jakhal, petitioner along with other co-accused again hit their Car in the motorcycle of complainant from back side and due to which, he fell down on the ground along with motorcycle. Petitioner along with other co-accused, armed with *lathis/dandas*, alighted from the Car and caused injuries to the complainant. Thereafter, co-accused Surender @ Billa snatched the mobile phone of complainant while giving a *lathi/danda* blow on his person. On raising alarm, one Gursewak reached at the spot and rescued the complainant from the clutches of accused, who fled away from the spot in the Car along with *lathis/dandas*.

This Court, on the previous date of hearing i.e. 05.08.2020, passed the following order:-

“ *During the course of hearing, learned State counsel has apprised this Court that petitioner is evading process of law as his arrest warrant has already been issued by the court concerned.*

Faced with the above situation, learned counsel for the petitioner stated that he is ready to face the identification parade and in case identified by the complainant, he shall not press this petition.

Adjourned to 15.10.2020.

Necessary identification parade be carried out by the prosecution, as per law.

In the meanwhile, in case of the arrest of the petitioner, let he be released on interim bail till the next date of hearing by the Arresting Officer, subject to his satisfaction. ”

Contents that in terms of the above order, petitioner has joined the investigation.

Learned State Counsel, on instructions from S.I. Ajmer, has acknowledged that in terms of order dated 05.08.2020, petitioner has already joined the investigation and his custodial interrogation is not required.

In view of above, interim order dated 05.08.2020 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

Disposed off accordingly.

The above observations may not be construed as an expression of opinion on merits of the case.

October 15th, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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