

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(203)

CRM-M-24409-2020

Date of Decision: 17.11.2020

Harish Kumar

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Rupinder Kaur Thind, Advocate, for the petitioner.

Mr. Pawan Kumar Longia, Deputy Advocate General, Haryana.

Harsimran Singh Sethi, J.(Oral)

The petitioner is seeking anticipatory bail in FIR No. 235 dated 05.08.2020, under Sections 323, 324, 341, 506 and 34 IPC, registered at Police Station Civil Line Sirsa, District Sirsa.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 25.08.2020. Order dated 25.08.2020 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.235 dated 05.8.2020 under Sections 323, 324, 341, 506 and 34 IPC registered at Police Station Civil Line Sirsa, District Sirsa.

Learned counsel for the petitioner argues that though, two injuries with sharp edged weapons have been attributed to the petitioner but, both the injuries were simple in nature and the petitioner is ready to join and cooperate in the

investigations, hence, there is no need of custodial interrogation of the petitioner and, therefore, the petitioner be granted the benefit of anticipatory bail.

Notice of motion for 17.11.2020.

Mr. Sharad Aggarwal, A.A.G, Haryana who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State.

Learned State counsel on instructions from HC Amandeep Singh, Police Station Civil Lines, Sirsa submits that as per the opinion of the doctor, which has been received, the injuries inflicted upon the victim are with the sharp edged weapon but, the same are simple in nature. Learned State counsel submits that as the weapon is yet to be recovered, the petitioner may be declined the benefit of anticipatory bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the injuries attributed to the petitioner are simple in nature and the petitioner is ready to join and cooperate in the investigations, the petitioner has made out a case for the grant of anticipatory bail, at this stage.

Learned counsel for the petitioner undertakes that the petitioner will cooperate in recovering the weapon allegedly used by the petitioner.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement,

threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Raj Kumar, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 25.08.2020 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.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

November 17, 2020
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No