

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38198-2020 (O&M)
Date of Decision:-21.12.2020

Rahul ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Kuldeep Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0291 dated 20.9.2020 at Police Station Bhuna, District Fatehabad under Sections 147, 149, 307 and 323 of Indian Penal Code and Section 25 of Arms Act, 1959.
2. Learned counsel for the petitioner has submitted that even as per the FIR, the only role attributed to the petitioner is that he had inflicted a blow on the arm of the injured with the help of an iron rod. It has further been submitted that in any case no fire arm injury was ever caused to the injured and the shot was fired in the air.

3. At the time of issuance of notice of motion the following order was passed:

“Case has been taken up for hearing through Video Conferencing.

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to petitioner in case FIR No.291 dated 20.09.2020 under Sections 147,307 and 323 IPC read with Section 149 IPC and Section 25 of Arms Act, registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner *inter alia* contends that simple injury by means of blunt weapon and that too on the arm i.e. non-vital organ of the body of victim-Vikram, has been attributed to the petitioner. He further submits that allegedly no injury was caused with the use of fire-arm. He further submits that even otherwise alleged use of fire-arm has been attributed to co-accused Vinod. He further urges that co-accused have already been arrested and released on bail by the trial Court. He further submits that petitioner is ready to join investigation as and when called upon to do so by the Investigating Agency.

Notice of motion.

At the asking of Court, Mr.Vikrant Pamboo, DAG Haryana, accepts notice on behalf of respondent-State and seeks time to file detailed reply. Complete copy of paper book be supplied to him during the course of the day.

Adjourned to 17.12.2020.

Reply, if any, by respondent-State be filed with the Registry of this Court well before the date fixed with copy in advance to learned counsel for the petitioner.

Meanwhile, in the eventuality of arrest of petitioner in the instant case FIR, he shall be enlarged on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/ Investigating officer. Petitioner shall join investigation as and when called upon to do so by the Investigating Agency and he shall abide by the conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.”

4. Learned State counsel, upon instructions from SI Kuldeep Singh, has informed that pursuant to interim directions, the petitioner has since joined

investigation and is not required for any custodial interrogation and that some of the co-accused already stand released on bail. The learned State counsel has further informed that the iron rod is stated to have already been recovered.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the aforestated position wherein the petitioner is not attributed any serious injury and has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 19.11.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

21.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No