

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.2529 of 2020
Date of Decision: 01.09.2021

Jaiveer Singh and others ... Petitioners

Versus

State of Haryana ... Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepam Raghava, Advocate,
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

The present petition has been filed seeking the grant of anticipatory bail in FIR No.127 dated 27.07.2019 under Sections 148, 149, 323, 325, 307 of the Indian Penal Code, 1860 registered at Police Station Sohna, District Gurugram.

Learned counsel for the petitioners argues that initially, keeping in view the injuries found on the victim, Section 323 and 325 IPC were mentioned in the FIR and it is only after the petitioners were granted the benefit of regular bail, after a period of five months, one of the injury has been termed as life threatening and Section 307 IPC has been added later on. He further submits that the petitioners are cooperating with the investigation and have not misused the concession of bail and, therefore, sending the petitioners in the custody after addition of Section 307 IPC will serve no purpose.

Learned counsel for the petitioners submits that the petitioners have joined investigation in terms of order passed by the Coordinate Bench of this Court dated 18.02.2020. Order dated 18.02.2020 is as under:-

“ Mr. Ashish Gupta, Advocate has appeared on behalf of complainant by filing vakalatnama, which be taken on record.

Learned counsel for the petitioners states that petitioners are on regular bail in this case and offence under Section 307 IPC has been added after five months of the occurrence. He states that they are ready and willing to join the investigation.

Under such circumstances, the petitioners are directed to join investigation by contacting the Investigating Officer within 5 days from today and render all sort of cooperation. The petitioners have to surrender their Passports before the Investigating Officer, if they have got ones, otherwise to furnish affidavits in that regard. The next date of hearing is fixed as 20.3.2020. If, in the meanwhile, they are arrested, they be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer.

On the adjourned date learned State counsel shall place on file the medical documents to show as to how and when the head injury was declared to be dangerous to life. ”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Rambir, PS Sohna Gurugram, concedes that initially the FIR No.127 dated 27.07.2019 was registered against the petitioners under Sections 148, 149, 323 and 325 of the IPC and they were granted the benefit of regular bail by the competent Court of law on 05.08.2019 and Section 307 IPC has only been added in December 2019, keeping in view the report of the doctor which was received.

Learned State counsel submits that in pursuance to the order

dated 18.02.2020 the petitioners have already joined the investigation and

are cooperating in investigation and further nothing untoward about the conduct of the petitioners has come to the notice of the investigating agency while the petitioners are on bail.

Keeping in view the above as the petitioners have already joined and are cooperating in the investigation in pursuance to the order dated 18.02.2020 passed by the Coordinate Bench, the interim bail granted vide order dated 18.02.2020 is made absolute.

Learned counsel for the petitioners has undertaken before this Court that in case, the investigating agency requires the presence of the petitioners at any given point of time, the petitioners will appear and cooperate.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

01.09.2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No