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

CRM-M No. 5880 of 2021
Date of Decision: 31.08.2021

Banwari Lal

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Goyal, Advocate,
for the petitioner.

Mr. Manish Dadwal, A.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.269 dated 26.10.2020 registered under Sections 147, 148, 149, 323, 324, 341, 326, 307, 506 IPC at Police Station Kalanwali, District Sirsa (Haryana).

On 09.02.2021, following order was passed:-

“This petition under Section 438 Cr.P.C. is for grant of prearrest bail to petitioner in case FIR No.269 dated 26.10.2020 under Sections 147, 148, 323, 324, 341 and 506 IPC read with

Section 149 IPC (Sections 307 and 326 IPC added lateron), registered at Police Station Kalan Wali, District Sirsa.

Learned counsel for petitioner inter alia contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further urges that there is delay of 25 hours in lodging the FIR and that too unexplained one. He further urges that the injury attributed to petitioner on the person of injured-Salim Nath is not on the vital organ of the body. He further urges that head injury on the person of injured-Gamdur Nath @ Cheeku Nath, which has been declared 'dangerous to life', said injury is attributed to co-accused Komal Nath. He further urges that even otherwise, compromise has already been arrived at between injured-Salim Nath, injured-Gamdur Nath @ Cheeku Nath and the petitioner's party and to this effect, copy of compromise dated 29.01.2021 (Annexure P-2) has been placed on record. He further urges that though petitioner has no nexus whatsoever with the alleged offence, he 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. Manish Dadwal, AAG, Haryana, accepts notice on behalf of respondent-State and seeks time to furnish detailed reply. Complete copy of paper

book be supplied to him during the course of the day.

Adjourned to 24.03.2021.

Reply 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 Officer/ Investigating Officer. Petitioner shall join investigation as and when called upon to do so by Investigating Agency. Petitioner shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.

09.02.2021

jitender/VP

**(LALIT BATRA)
JUDGE"**

Learned State counsel on instructions from SI Bhoop Singh submits that the petitioner has joined the investigation and his presence is no more required in further investigation of the case.

In view of above, order dated 09.02.2021 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

31.08.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No