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

CRM-M-5654-2020

Date of decision : 08.09.2021

Bintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Virender Mandhan, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.746 dated 31.10.2019 registered under Sections 148, 149, 323, 324, 506 of the Indian Penal Code, 1860 (now under Sections 323, 324, 326, 307, 506 read with Section 34 of IPC as per final report) at Police Station Assandh, District Karnal.

On 10.02.2020, when this matter came up before the Coordinate Bench of this Court, the following order was passed:-

“The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.746 dated 31.10.2019 registered under Sections 148, 149, 323, 324 and 506 of the

Indian Penal Code, 1860 (now under Sections 323, 324, 326, 307 and 506 read with Section 34 of the IPC as per final report) at Police Station Assandh, District Karnal.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated. Out of 14 persons named in the FIR 10 persons were found innocent during investigation. Injury on the person of Dilbag Singh declared to be dangerous to life is not attributed to the petitioner. The petitioner is claimed to be armed with 'Gandasa' and injury alleged to have been caused by him on the person of Virender was declared to be simple. The petitioner is ready to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, Asstt. A.G., Haryana accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to learned State Counsel, who seeks time to complete his instructions.

Adjourned to 24.04.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

Learned counsel for the petitioner has submitted that the petitioner has joined the investigation in pursuance of the abovesaid order. It is further stated that the present case is a case of version and cross-version and as to who is the aggressor party would be determined at the time of trial.

Although, learned counsel for the State, opposes the present petition for grant of anticipatory bail to the petitioner, however, on instructions from SI Shiv Kumar, submits that the petitioner has joined the investigation on 13.02.2020 and not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances, the interim order dated 10.02.2020 passed by the Coordinate Bench of this Court, is ordered to be made absolute.

Accordingly, the present petition is allowed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

08.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**