

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.7958 of 2021(O&M)
Date of Decision : 17.08.2021

Taleem ...Petitioner

versus

State of HaryanaRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Kunal Dawar, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.
Mr. Deepender Singh, Advocate for complainant.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.205 dated 04.12.2020 registered under Sections 148, 149, 323, 436, 452 and 506 IPC, 1860 (Sections 452 and 436 deleted, whereas Section 325 and 307 IPC added later on)at Police Station Dhauj, District Faridabad, Haryana.

3. On 24.02.2021, the following order was passed:-

“ CRM No.5278 of 2021

Application is allowed.

Annexures C1 to C3 are taken on record.

CRM-M No.7958 of 2021

This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.205 dated 04.12.2020 under Sections 148, 149, 323, 436, 452, 506 IPC (Section 452 and 436 deleted whereas Section 325 and 307 IPC

added later on) registered at Police Station Dhauj, District Faridabad, which is opposed by the counsel appearing for the complainant on the ground that there are injuries inflicted upon the head of one Nafees by giving danda blows.

Learned counsel appearing on behalf of the respondent-State submits that the injury attributed to the petitioner herein is of a danda blow, which, as per the MLR, is 6 cm x 0.5 cm.

Learned counsel appearing for the complainant urges that all persons, who have been nominated in the said FIR and the cross version, have been arrested and are now on regular bail and therefore, petitioner ought not to be allowed any concession of interim bail.

I have heard learned counsel for the parties and have perused the MLR, which is made available on the record.

As per the MLR, the injury inflicted upon the head of the complainant is not reflected as grievous or serious injury. The petitioner herein was brutally stabbed and as per the medical report available, he had undergone a surgery on his hand and remained in hospital for a period of 12 days. Only on the basis that all other persons were arrested, a case for arrest of the petitioner herein would not make out.

The petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

List for further consideration on 17.08.2021.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *SI Ram Babu* confirms that pursuant to the order of this Court dated 24.02.2021, the petitioner joined

investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 24.02.2021, passed by this Court, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)

Judge

17.08.2021

'Rajneesh'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No