

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

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CRM-M-19070-2021

Date of Decision: 07.09.2021

Virender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vinay Kumar Begra, Advocate, for
Mr. Raghav Sharma, Advocate, for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana,
assisted by SI Ramesh Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.269 dated 24.05.2020 at Police Station Pehowa, District Kurukshetra, under Sections 148/149/307/323/324/325/506 IPC (Section 326 IPC added later on and Section 307 IPC stands revoked).
2. At the time of issuance of notice of motion, the following order was passed:

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

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short

'the Cr.P.C.') for grant of anticipatory bail in case FIR No.269 dated 24.05.2020 registered under Sections 148, 149, 307, 323, 324, 325 and 506 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Pehowa, District Kurukshetra from which Section 307 of the IPC was deleted and Section 326 of the IPC was added lateron. Learned Counsel for the petitioner has submitted that the petitioner was not named in the FRI and there is no attribution to the petitioner of having caused any injury to any of the injured. Initially the case was registered under Section 307 of the IPC but subsequently Section 307 of the IPC has been deleted and Section 326 of the IPC has been added. Injury attracting Section 326 of the IPC is not attributed to the petitioner and is attributed to co-accused Balwinder. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. Ranvir Singh Arya, Addl. A.G., Haryana has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel has submitted that the petitioner is also involved in four other cases of similar nature. However, learned State Counsel seeks time to file reply.

Adjourned to 07.09.2021.

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 anticipatory 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) (i) to (iii) of the Cr.P.C. In view of Section 438(2)(iv) read with Section 437(3)(b) of the Cr.P.C., interim anticipatory bail granted to the petitioner shall also be subject to the condition that after

his release on interim anticipatory bail the petitioner shall not commit any similar offence. In case of non-compliance of any of the above-said conditions, the petitioner will not be entitled to the protection of interim anticipatory bail allowed to him.”

3. Learned counsel for the petitioner has submitted that he is not named in the FIR and has subsequently been nominated on the basis of disclosure statement made by co-accused and that in any case offence under Section 307 IPC already stands deleted and the injury attracting the rigour of Section 326 IPC is attributed to co-accused and not to the petitioner.
4. Opposing the petition, learned State counsel upon instructions has not disputed the fact that the petitioner came to be nominated on the basis of a disclosure statement, but has submitted that the petitioner stands involved in 4 other cases. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner came to be nominated on the basis of a disclosure statement, the veracity and admissibility of which would be debatable and the fact that he 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 20.05.2021 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.

07.09.2021
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(GURVINDER SINGH GILL)
JUDGE

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