

CRM-M-18157-2021

Date of Decision : 12.10.2021

Sabir and another

...Petitioners

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Kunal Dawar, Advocate for the petitioners.
Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (Oral)

1. Prayer under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner No. 1 in case FIR No.205 dated 04.12.2020 registered under Sections 148, 149, 323, 436, 452 and 506 IPC (Sections 452 and 436 IPC were deleted) and Sections 325 and 307 IPC were added later on, at Police Station Dhauj, District Faridabad, Haryana.

2. On 29.04.2021, the following order was passed:-

“At the very outset, learned counsel for the petitioner seeks permission to withdraw the petition qua petitioner No. 2-Ikbal.

Allowed as prayed for.

Petition stands dismissed as withdrawn qua petitioner No. 2-Ikbal.

Learned counsel for the petitioner No.1 would pray for anticipatory bail to petitioner No. 1-Sabir while inter-alia arguing that the only injury attributed to him is a dandablow on the left leg of the brother of the complainant.

Notice of motion.

*Ms. Deepshikha Chauhan, AAG, Haryana
appearing through the medium of video conferencing*

accepts notice on behalf of the respondent State and seeks time to file reply.

Mr. Deepinder Singh, Advocate has put in appearance on behalf of the complainant and opposed the grant of any relief to petitioner No. 1.

Adjourned to 12.10.2021.

Meanwhile, petitioner No.1-Sabir is directed to join the investigation within a period of one week and on his doing so, in the event of arrest, he will be released on interim bail to the satisfaction of Arresting/Investigating Officer. He will continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

3. Today, learned counsel for petitioner No.1 contends while learned State counsel on instructions from SI Babu Ram confirms that pursuant to the order of this Court dated 29.04.2021, petitioner No. 1 joined investigation, fully cooperated with the police, was released on an interim pre arrest bail and that his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 29.04.2021 passed by this Court, is made absolute. Petitioner No. 1 shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

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

(B.S. Walia)
Judge

12.10.2021

'Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>