

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M No.24203 of 2021 (O&M)

Date of Decision: 29.09.2021

Shiva

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Pawan Attri, Advocate for the petitioner.

Mr. Rajat Gautam, D.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 in case bearing FIR No.20 dated 26.01.2021 registered under Sections 148, 149, 308, 323 506 IPC (Section 325 added later on), at Police Station City Pehowa, District Kurukshetra.

Notice of motion was issued on 20.07.2021.

On 10.08.2021, following order was passed:-

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

Learned counsel for the petitioner submits that Biru

Ram and Vijay Kumar were attacked by 10-15 unknown boys with different weapons like dandas, bindas and bricks. Ram Parkash and Rakesh Kumar, brothers of the complainant also reached there and they were also attacked with bricks by the accused. Biru Ram was taken to hospital and his MLR was conducted. He was referred to Government Hospital, Kurukshetra. His statement was recorded on 28.01.2021 wherein he identified only Raju, Mustafa, Suraj, Rahul, Gaurav and Neeraj. Petitioner has been nominated only on the basis of disclosure statement of Neeraj.

In compliance of order dated 20.07.2021, the State has filed status report by way of affidavit of Gurmail Singh, HPS, DSP, Pehowa, Kurukshetra.

According to the status report, petitioner has been nominated in the disclosure statement of co-accused and iron rod is still to be recovered from the petitioner. Neeraj is juvenile. Names of other unknown persons would be disclosed by the petitioner alone.

In view of aforesaid position, it would be appropriate to direct the petitioner to join investigation on 16.08.2021 at 11:00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.

Adjourned to 29.09.2021.

Evidently, the petitioner was nominated on the basis

of disclosure statement of Neeraj, who is juvenile.

Learned State counsel, on instructions from ASI Manoj Kumar, submits that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and he is no more required for further investigation in the case.

In view of the aforesaid factual position, the interim order dated 10.08.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

29.09.2021
D.Bansal/Anita

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No