

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-34782 of 2020 (O&M)

Date of decision : 27.01.2021

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Arjun

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. P.S. Sullar, Advocate
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail under Section 438 Cr.P.C., has been filed by petitioner – Arjun, aged about 20 years, s/o Ram Chander, resident of House No. 500, Ward No.4, Circular Road, Ambala City, an accused in FIR No. 750 dated 24.9.2020, for offences under Sections 148, 149, 324 and 506 IPC (Section 307 IPC added later on), registered at Police Station Ambala City, District Ambala.

Briefly stated, facts of the case, as per the prosecution story

are that on 23.9.2020, at about 11 P.M. in the area of Near Arya Samaj Mandir, Police Station Ambala City, one Ankush was assaulted by 5-6 boys, which included Rajesh, Gaurav, Dappi, Chota, Arjun – present petitioner, Bonda and Rajesh and Chota had given knife blows to Ankush, causing injuries in his stomach and right arm respectively, whereas Gaurav, Dappi, Arjun and Bonda had attacked the injured with rods and dandas. After the incident, the injured was taken to hospital, where he was medically treated and medico legally examined. On the basis of information furnished by Hans Raj, brother of injured Ankush, formal FIR in the matter was recorded. Investigation in the case started.

On 6.10.2020, accused Rajesh and Gaurav were arrested. Accused -Arjun, apprehending his arrest had approached the Court of Sessions at Ambala, seeking pre-arrest bail. His application in that regard came up for hearing before Additional Sessions Judge, Fast Track Court under the POCSO Act/Duty Judge, Ambala, who vide order dated 19.10.2020, dismissed that application. Feeling aggrieved, the petitioner has approached this Court craving for grant of similar relief, by filing the instant petition.

Notice of the petition was given to the State and when it came up for hearing on 30.10.2020, the petitioner was granted interim bail with a direction to join the investigation.

Learned counsel for the petitioner has contended that though a danda blow has been attributed to the petitioner as per the prosecution story, but in the MLR of the injured, no injury with a

blunt weapon has been mentioned, which makes the prosecution story doubtful with regard to participation of the petitioner in the incident.

Learned counsel for the petitioner further states that the petitioner has since joined the investigation, got the weapon in the form of danda recovered and has been released on interim bail. He has prayed that it be made absolute.

Learned State counsel, on instructions from ASI Navtej Singh, concedes the factum of petitioner having got joined the investigation and having got the danda recovered used in the incident, further contending that under the circumstances, the petitioner is not required for custodial interrogation by the local police.

In these circumstances, the interim bail granted to the petitioner vide order dated 30.10.2020 is made absolute, subject to fulfillment of following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing.
- ii) that the petitioner shall not give any threat or intimidation to the prosecution witnesses.
- iii) that the petitioner shall not leave India without the prior permission of the Court.
- iv) that the petitioner shall surrender his passport before the Investigating Officer and if he is not having passport then he shall file an affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition in that way is allowed.

27.01.2021

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(H.S. Madaan)

Judge

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