

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M-36034-2020 (O&M)

Date of Decision: 27.10.2021

Balvinder

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Raghav Sharma, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana
assisted by ASI Ramesh Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in 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 added later and Section 307 revoked).
2. At the time of issuance of notice of motion on 05.11.2020, the following order was passed:

“... Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not named in the FIR and his name figured in disclosure statement made by co-accused Manish. Initially the FIR was registered under Section 307 of the IPC but subsequently Section 307 of the IPC has been revoked as none of the injuries caused to injured-Ramandeep, Neeraj and Jaswinder was dangerous to life. Co-accused Manish has been

granted regular bail by learned Sessions Judge, Kurukshetra. The petitioner is ready to join the investigation and his custodial interrogation is not necessary in the case.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Naveen Singh Panwar, DAG, Haryana has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 22.01.2021.

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 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) of the Cr.P.C. failing which he shall not be entitled to the protection of interim 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 Munish and other 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 one more case under Section 323 IPC. 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 05.11.2020 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.

27.10.2021

(GURVINDER SINGH GILL)

VY

JUDGE

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