

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

204

CRM-M-38530-2020.

Date of Decision:06.01.2021

MANPREET SINGH AND ANR

....Petitioners

Versus

STATE OF HARYANA

....Respondent

CORAM HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Sandeep Singh, Advocate
for the petitioners.

Mr. Vikrant Pamboo, DAG, Haryana.

Mr. Arun Sharma, Advocate
for the complainant.

Case has been taken up for hearing through Video Conferencing.

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners-**Manpreet Singh and Rohit** in case FIR No.734 dated 05.10.2020 under Sections 148, 323, 324, 341 and 506 IPC read with Section 149 IPC (Section 307 IPC added lateron), registered at Police Station Karnal Sadar, District Karnal.

Status report dated 30.12.2020 by way of affidavit of Jagdeep Singh, HPS, Deputy Superintendent of Police, Karnal II along with Annexure (R-I) on behalf of respondent-State filed and the same is taken on record.

Learned counsel for the petitioners *inter alia* contends that immediately after the registration of instant case FIR, petitioners were arrested and joined investigation and thereafter they were released on bail by the Court, vide order dated 08.10.2020 (Annexure P-2). He further urges that during investigation, medical record of injured-Rampal was obtained and in view of opinion rendered by doctor concerned, offence under Section 307 IPC was added. He further urges that a bare perusal of status report dated 30.12.2020, as detailed above, allegedly, *Gandasi* was got recovered from petitioner-Manpreet Singh, whereas *Danda* was got recovered from petitioner-Rohit. He further urges that a bare perusal of above said status report coupled with Medico-legal Report of injured-Rampal (Annexure R-I) reveals that allegedly, said injured had sustained five injuries, wherein injury No.5 inflicted by knife, has been declared dangerous to life and, thus, offence under Section 307 has been added. He further urges that since alleged weapon of offence (knife) was recovered from co-accused Daljit, injury No.5 on the person of injured-Rampal, cannot be attributed to petitioners. He further urges that in terms of above said status report alleged recoveries of weapons of offence (*Gandasi* and *Danda*) have already been effected from petitioners and as such no recovery is to be effected from them. He further urges that petitioners are ready to join investigation as and when called upon to do so by the Investigating Agency.

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On the other hand, learned State counsel assisted by learned counsel for the complainant while opposing instant petition has vehemently argued that keeping in view nature of offence, petitioners do not deserve the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the record of the case especially status report, as detailed above.

In view of above, without commenting anything on the merits of the case, once immediately after the registration of instant case FIR, petitioners were arrested and released on bail, vide order dated 08.10.2020 (Annexure P-2) and the fact that alleged recoveries of weapons of offence have already been effected at their instance, petitioners deserve the concession of pre-arrest bail in respect of offence under Section 307 IPC as well. However, petitioners are directed to join investigation as and when called upon to do so by Investigating Agency. Petitioners shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit. In this manner, instant petition is allowed accordingly.

(LALIT BATRA)
JUDGE

06.01.2021

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Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No