

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43951-2021

Date of Decision : 02.11.2021

SATPAL

...Petitioner

Versus

STATE OF HARYANA

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.273 dated 23.08.2021, registered under Sections 323, 452, 506, 34 IPC (Section 452 IPC deleted later on) and Section 324 IPC added later on at Police Station Sadar Narnaul, District Mahendergarh.

3. On 25.10.2021, the following order was passed:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the second petition under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No.273 dated 23.8.2021, registered under Sections 323, 452, 506, 34, IPC (Section 452 IPC deleted later on) and Section 324 IPC added later on at Police Station Sadar Narnaul, District Mahendergarh.

Learned counsel contends that CRM-M-40932-2021, was dismissed as withdrawn vide order dated 30.09.2021, with liberty to the petitioner to approach the learned trial Court in view of deletion of Section 452 IPC and addition of Section 324 IPC.

Learned counsel contends that the instant case is a cross-case with FIR No.287 dated 07.09.2021, having been registered against the complainant party under Sections 323, 506, 148 and 149 IPC. Learned counsel contends that the petitioner has only

been attributed fist and slap blows, there is delay of eight days in registration of the FIR, injury attracting Section 324 IPC is not attributed to the petitioner, four persons of the accused party also received simple injuries as evident from MLRs Annexure P/5, P/6, and P/7 qua three of the accused, besides co-accused, Dalip, attributed injury with axe on the head of Saravjit, has been released on regular bail by the learned trial Court, the petitioner does not have any criminal antecedents except for the instant case besides is ready and willing to join investigation and fully cooperate in the same.

Notice of motion.

Mr. Naveen Kumar Sheoran, DAG, Haryana, accepts notice on behalf of the respondent-State and requests for time to obtain instructions and to file reply.

Adjourned to 02.11.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail / surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated..”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from ASI Joginder Singh confirms that pursuant to the order of this Court dated 25.10.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail besides the *danda* used in the commission of the offence has also been recovered from him and that in the circumstances custodial interrogation of the petitioner is not required.

5. In view of the statement of learned State counsel, order dated 25.10.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions contained 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.

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

(B.S. Walia)
Judge

02.11.2021

‘rajesh-renu’