

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

204

**CRM-M-39809-2020
Date of decision: 12.02.2021**

Raja Ram	Versus	Petitioner
State of Haryana		Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

None for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.468 dated 05.10.2020 registered under Sections 323, 324, 452 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station City Fatehabad, District Fatehabad to which Section 326 of the IPC was added lateron.

While issuing notice of motion on 01.12.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

"The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.468 dated 05.10.2020 registered under Sections

323, 324, 452 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station City Fatehabad, District Fatehabad to which Section 326 of the IPC was added lateron.

Learned Counsel for the petitioner has submitted that the petitioner, who is aged about 63 years, has been falsely implicated in the case just to settle personal score. As per the allegations made in the FIR, the petitioner had caused injury with danda on leg below the knee of Shila Devi. Grievous injury caused with sharp edge weapon on right thumb of complainant-Krishan Kumar is attributed to co-accused Sunil Kumar. 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. Ranvir Singh Arya, Addl. A.G., Haryana has appeared and accepted notice on behalf of the respondent-State.

At this stage, Mr. V.B. Godara, Advocate has appeared on behalf of the complainant and undertakes to file his power of attorney in the Registry.

Learned State Counsel and learned Counsel for the complainant seek time to file reply.

Adjourned to 08.02.2021.

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."

The petition has been opposed by the respondent-State in

terms of reply filed by way of affidavit of Daljeet Singh, HPS, Deputy Superintendent of Police, City Fatehabad, District Fatehabad on behalf of respondent-State in the Registry of this Court which is taken on record.

Learned Counsel for the complainant had appeared earlier but none has appeared for the complainant today.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made on 01.12.2020, submitted that in compliance with order dated 01.12.2020, the petitioner has joined the investigation.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from SI Rameshwar Dayal, acknowledged that in compliance with order dated 01.12.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case,

I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 01.12.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

12.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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