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

CRM-M-40756-2020

Date of Decision: 04.01.2021

Deepak @ Dhola

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Kundu, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Rajesh Bansal, Advocate for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.0193 dated 21.10.2019, under Sections 323, 324 and 506 IPC (Section 326 IPC added later on), registered at Police Station Sadar, District Panipat.

The FIR was registered on the basis of complaint given by Sultan and the allegations as noticed by the Addl. Sessions Judge, Panipat in the order dated 23.11.2020 are as under:

“According to the complaint dated 21.10.2019 of the complainant Sultan, on 21.10.2019, he was coming towards his house from his gher. His son Vikas was also with him. At about 03:30 P.M., when they reached near the shop of Shokeen, the applicant-accused suddenly came out of the shop of Shokeen and tried to hit gandasi on his head. The complainant brought his left hand in front of gandasi and the gandasi struck on his left hand. Thereafter, the applicant-accused gave blow of gandasi on the left thigh of the complainant. The complainant shouted for help and the accused fled away while threatening to kill the complainant.”

Learned counsel for the petitioner contends that initially the

FIR was registered for the offences punishable under Sections 323, 324 and

506 IPC and after the arrest of the petitioner, he was released on regular bail

vide order dated 05.11.2019. He submits that after a long gap, the offence punishable under Section 326 IPC has been added and it has given an apprehension of arrest to the petitioner. According to him, in the given facts, the custodial interrogation of the petitioner may not be necessary.

The prayer is opposed by the learned State counsel, assisted by ASI Dilbagh Singh, on the ground of the seriousness of the offence, however, it is not disputed by him that previously, the petitioner was on regular bail.

Learned counsel for the complainant has also opposed the prayer on the ground that the petitioner is involved in other cases as well.

After hearing the learned counsel for the parties, this Court finds that the petitioner was already on regular bail and the investigation is also complete. Merely because the offence punishable under Section 326 IPC was added subsequently, the custodial interrogation of the petitioner would not be justified.

Resultantly, the petition is allowed and it is ordered that in the event of the arrest of the petitioner in relation to the newly added offence punishable under Section 326 IPC in the above mentioned FIR, he be released on anticipatory bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

04.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No