

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

101

CRM-M No.2150 of 2022 (O&M)
DATE OF DECISION : 19th JANUARY, 2022

Prem Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rajesh Kumar Moudgil, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is third petition filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.274 dated 06.11.2020, registered under Sections 323, 325, 341, 380, 427, 506, 148, 149 IPC and Section 307 IPC (added later on by replacing Section 308 IPC), at Police Station Krishna Gate, Thanesar, Kurukshetra (Haryana).

It is submitted by the counsel for the petitioner that in the same gamut of facts involving the same allegations, the petitioner was already granted anticipatory bail by this Court. However, now the offence punishable under Section 307 of IPC has been added by changing the offence punishable under Section 308 of IPC. However, the petitioner is not required for any specific purposes of investigation.

Notice of motion.

Mr. Rajesh Gaur, Additional Advocate, General, Haryana accepts notice on behalf of the respondent-State and Mr. Akash Mehta, Advocate, accepts notice on behalf of the complainant.

It is submitted by learned State counsel being instructed by SI Ramchandra and being assisted by the counsel for the complainant that the offence punishable under Section 307 has been added on the basis of medical opinion which has declared some of the injuries attributed to the petitioner has dangerous to life. Hence, the petitioner is required for further investigation. However, it is not disputed that no new fact except the medical opinion has come up during the investigation, which required any specific further investigation by the police.

In view of the above, but without commenting anymore on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, 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.

19th JANUARY, 2022
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>