

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3273 of 2022

Date of Decision: 28th April, 2022

Mohit

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S. K. Jindal, Advocate for the applicant-petitioner.
Ms. Geeta Sharma, DAG, Haryana.
Mr. Wazir Singh, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

Prayer in CRM-7136 of 2022 is for amendment of the head note and the prayer clause in the main petition on the ground that Section 307 IPC was added subsequently.

Notice in the application.

Ms. Geeta Sharma, DAG, Haryana appearing on advance notice accepts the same. She has no objection to the acceptance of the prayer of the applicant.

For the reasons mentioned in the application, the same is allowed. Amended petition annexed with the petition is taken on record.

Main petition

The petitioner was granted interim bail on 28.1.2022 by passing the following order:

“Due to COVID-19 situation, the Court is convened through video conference.

The petitioner is before this court under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 899 dated 23.12.2021, under Sections 323, 341 and 506 read with Section 34 IPC, registered at Police Station Assandh, Karnal.

The FIR was at the instance of Sanjay alleging that on 21.12.2021, while going on motor cycle bearing registration No. HR-40-F-8939, he was attacked by Sandeep, Sunil @ Sinha, Sonu and his relative. The accused inflicted injuries on the arms and legs of the complainant. Both the arms and legs were fractured. The role attributed to the petitioner is that he acted as a conspirator for the incident.

Learned counsel for the petitioner submits that there is delay of two days in lodging the FIR, no specific injury has been attributed to the petitioner, the petitioner was not present at the spot. The relative of Sonu was Ajay, he was arrested, motor cycle and sword were recovered from him. He further submits that the petitioner is ready to join the investigation. Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail. She submits that the petitioner was the main conspirator and Section 326 IPC is invoked.

Though the complainant is not impleaded as party, Mr. Pankaj Kaushik, Advocate puts in appearance on behalf of the complainant. He opposes the prayer for pre-arrest bail and submits that the petitioner is actually Rohit and he has wrongly filed this petition in the name of Mohit.

Considering that the name of the petitioner surfaced in the disclosure statement, it is alleged that he was the conspirator, no specific injury has been attributed to the petitioner and learned counsel for the complainant is raising an identity issue, in above circumstances no custodial interrogation is required, the petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing

adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 18.2.2022.”

Learned counsel for the State on instructions submits that the petitioner joined the investigation, recovery of an iron rod was made and his custody is not required.

Learned counsel for the complainant opposes the confirmation of interim bail. He submits that Section 307 IPC has been added, as the injuries have been declared as dangerous to life.

At this stage, it would not be appropriate to dilate upon the merits of the contentions being raised with regard to invoking of Section 307 IPC.

In view of the statement made by learned counsel for the State that custody of the petitioner is not required, the interim order is made absolute.

The petition stands disposed of.

In case of any change in circumstances, the complainant or the State would be at liberty to avail remedies.

[AVNEESH JHINGAN]
JUDGE

28th April, 2022

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No