

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

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**CRM-M-6768-2021
Date of Order: 25.01.2022**

PAWAN DARA

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Mamli, Advocate
and Mr. Bhavdeep Singh Mamli, Advocate
for the petitioner.

Ms. Mamta Singla Talwar, DAG, Haryana

ANIL KSHETARPAL, J(Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for pre-arrest bail in a criminal case arising from FIR No.0708, dated 12.12.2020, registered under Section 147, 149, 323, 452, 506 of Indian Penal Code, 1860, at Police Station Hisar City, District Hisar.

As per the case of the prosecution, the case was registered on the information given by a man named Kuldeep who runs an eating joint near the Octroi Port, Barwala Road, Hisar.

He alleges that the petitioner armed with a wooden stick along with Suresh and 8-10 other boys caused him injuries while forcibly entering the premises. The accused also took away the cash from the cash box.

On 12.02.2021, the following order was passed:-

“Counsel for the petitioner submits that the injuries in the case are simple in nature and since the offences under Sections 452, 506 IPC are non-bailable, he has been declined bail by the learned Additional Sessions Judge.

Notice of motion for 13.05.2021.

Meanwhile, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Ms. Mamta Singla Talwar, Deputy Advocate General, Haryana, has submitted that the petitioner has joined the investigation, however, he has failed to hand over the iron rod.

The learned counsel representing the petitioner draws the attention of the Court to the FIR and contends that the petitioner is alleged to be armed with a wooden stick and not with an iron rod.

The learned counsel representing the State is unable to justify the stand.

Keeping in view the aforesaid facts, the order dated 12.02.2021, is hereby made absolute subject to the condition that the petitioner will continue to cooperate with the investigation as and when required.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

January 25, 2022

Ay/Chetan

**(ANIL KSHETARPAL)
JUDGE**

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