

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201)

CRM-M-11905-2022

Date of decision: - 25.05.2022

Hamid

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Geeta Rani, Advocate
for Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Akash Sheoran, Advocate
for Mr. Sarfraj Hussain, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.101 dated 30.05.2021, under Sections 148, 149, 323, 325, 307 and 379-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 (later on Section 379-B IPC and Section 25 of the Arms Act have been deleted), registered at Police Station Nagina, District Nuh.

On 07.04.2022, this Court was pleased to pass the following order:-

“CRM-13007-2022

Application is allowed as prayed for.

Annexure P-3 is taken on record, subject to all just exceptions.

Main Case

Learned counsel for the petitioner, inter alia, contends that in the present case, only injury has been attributed to the petitioner i.e. an injury on the right leg of Ahmed. It is further submitted that the abovesaid injury corresponds to injury No. 1 as reflected in the MLR and the same is a simple injury. It is contended that as per the FIR and even in the impugned order rejecting bail application filed by the petitioner, there is no reference of the petitioner carrying any weapon. It is further contended that bail application filed by the co-accused Kamran has been rejected since he was armed with an iron rod in his hand, which is a dangerous weapon and even co-accused Sahbaaz had withdrawn his anticipatory bail application as the allegation against him was that he had inflicted an injury upon the head of Mohammad. It is argued that even if the case of the prosecution is taken on face value, then also, the alleged injury caused is on a non-vital part of the body and the same has been declared to be a simple injury. It is submitted that the petitioner is not involved in any other case.

A specific query has been put to the learned State counsel as to whether the nature of the said injury is grievous or not.

Learned State counsel, on instructions from ASI Pardeep, has submitted that there is no bone injury seen and thus, the said injury has been declared to be simple in nature.

Learned counsel for the complainant is granted liberty to place on record any document to show that the petitioner is not entitled to the concession of anticipatory bail.

Adjourned to 25.05.2022.

Meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

(VIKAS BAHL)
JUDGE"

07.04.2022

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the

investigation.

Learned State counsel, on instructions from the investigating officer, has submitted that the petitioner has joined the investigation on 23.04.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 07.04.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 07.04.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

May 25, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No