

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-13264-2022
Decided on : 05.05.2022

Shushant @ Shushant Singh

. . . Petitioner

Versus

State of Haryana

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. S. S. Dinarpur, Advocate;
Mr. Subhash Godara, Advocate and
Mr. Aman Godara, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Ranjit Saini, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 65 dated 06.03.2022 under Sections 323, 324, 506 and 34 of the Indian Penal Code, 1860 (Sections 326 IPC added later on) registered at Police Station Buria, District Yamuna Nagar.

On 30.03.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioner inter alia contends that the present case is a case of version and cross-version inasmuch as even on behalf of the co-accused of the petitioner namely Tarun Singh, an FIR No.66 dated 06.03.2022 has been registered against the complainant-Dharmender Singh and two other accused under Sections 323, 324, 34, 506 of IPC and has also referred to MLR

(Annexure P-3), as per which, the said Tarun Singh had suffered 7 injuries. It is further submitted that even as per the allegations in FIR, the petitioner had picked up a stone from the field and had injured the complainant and Shiv Kumar. The allegation with respect to the injury on the left ear has been attributed to the co-accused i.e. Tarun Singh. It is argued that it is the said injury on the ear which has been declared as grievous in nature whereas the injuries which have been attributed to the petitioner are simple in nature. It is also argued that the petitioner had been initially granted interim bail by the Sessions Judge, Yamuna Nagar at Jagadhri but subsequently when Section 326 of IPC was added, the petition was dismissed although, the injuries under Section 326 of IPC were not attributed to the petitioner.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and Mr. Ranjit Saini, Advocate appears on behalf of the complainant and seek time to get instructions.

Adjourned to 05.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and 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. ”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 30.03.2022 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 30.03.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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.

(VIKAS BAHL)
JUDGE

05.05.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No