

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(207)

CRM-M-14364-2022

Date of decision: - 31.05.2022

Tarun

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. S.S. Dinarpur, Advocate, for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Ranjit Saini, 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.65 dated 06.03.2022, under Sections 323, 324, 506 and 34 of the Indian Penal Code, 1860 (Section 326 IPC has been added later on), registered at Police Station Buria, District Yamuna Nagar.

On 05.04.2022, 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 and an FIR No.66 dated 06.03.2022 has been got registered by the petitioner and in the said incident, the petitioner himself has suffered seven injuries and as per the prosecution case, the petitioner has only been attributed one injury which although has been stated to be grievous injury but since there is “membrane perforation”, it is contended by the learned counsel for the petitioner that the same would not fall within the meaning of “grievous injury” as defined under Section 320 of IPC and for the said purpose, reliance has been placed upon judgment of

*the Delhi High Court in **Gurbax Singh and another Vs. State**, reported as **2012(6) RCR (Criminal) 2294**.*

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and seeks 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.

To be heard alongwith CRM-M-13264-2022.”

Thereafter, on 05.05.2022, this Court was passed the following order: -

“Learned State counsel assisted by learned counsel for the complainant has submitted that the petitioner has joined the investigation but he is required for further investigation.

Learned counsel for the petitioner has submitted that earlier also, the petitioner had gone to join the investigation and since, he was not permitted to join the investigation, he had moved an application before the Judicial Magistrate 1st Class, Jagadhri and had even given the details of the times when the petitioner had gone to join the investigation in para No. 4 of the said application and the Judicial Magistrate 1st Class, Jagadhri vide order dated 25.04.2022 recorded the statement of the petitioner that he is ready to join and cooperate in the investigation. Learned counsel for the petitioner has thus prayed that the advocate for the petitioner be permitted to accompany the petitioner when he goes for investigation.

Keeping in view the above, the petitioner is directed to appear before the Investigating Officer on 17.05.2022 at 11:00 AM and is also permitted to be accompanied by his advocate.

Adjourned to 31.05.2022.”

Learned counsel for the petitioner has submitted that in

pursuance of the above-said orders, 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 17.05.2022 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 05.04.2022 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 05.04.2022 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 31, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No