

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

210

CRM-M-19000 of 2022

Date of Decision:-.18.11.2022

Ali Mohammad @ Ali and another

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sarbjit Singh, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

On the last date of hearing the following order was passed.

“The counsel for the petitioners submits that the FIR in the present case was registered on the basis of the statement of Ferozedeem after 16 days of the alleged occurrence, which took place on 18.1.2022. The counsel for the petitioners further submits that all the injuries alleged to be sustained by the complainant-Ferozedeem were manipulated and he never appeared before any doctor of the Government Hospital for his medico legal examination, immediately after the alleged occurrence. The counsel for the petitioners further contends that after the registration of the present FIR, complainant Ferozedeem along with other persons committed murder of Lal Hussain brother of petitioner No.2 regarding which FIR No.23 dated 10.4.2022 has been registered in police station Mattewal (Amritsar, Rural) against Ferozedeem and his companions.

The State counsel while resisting the present petition has submitted that both the petitioners caused grievous injuries on the person of the complainant with sharp edged weapons and their custodial interrogation is required and the recovery of weapons is to be effected from them. The State counsel on instructions from ASI Jatinder Singh has not refuted the fact regarding registration of FIR No.23 dated 10.4.2022 against complainant-Ferozedeem with regard to murder of brother of petitioner No.2. The State counsel has also not refuted the fact that medico legal examination of the complainant was not conducted in any Govt. Hospital.

In view of the above, in case of arrest, the petitioners are directed to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioners should join investigation with the police well in time before the next date of hearing and to abide by the conditions envisaged under Section 438 (2) Cr.P.C. The report of the Investigating Officer be also called in this context on the next date of hearing. Now be listed on 18.11.2022”.

Prayer is for grant of anticipatory bail to the petitioner in Criminal Case having FIR No.8 dated 03.02.2022 registered under Sections 326/ 323/ 148/ 149 IPC, 1860 at Police Station Mattewal, District Amritsar.

Learned counsel for the petitioner has today apprised the Court that the petitioners have joined the investigation with the police in compliance of order dated 26.07.2022 passed by this Court. Learned State counsel on instructions from ASI Tejpal Singh has not refuted the aforesaid assertions made by the counsel for the petitioners and further submits that the recovery has already been affected. Now, the petitioner are not required by the police for further investigation or custodial interrogation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 26.07.2022 passed by this Court is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

18.11.2022
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(KARAMJIT SINGH)
JUDGE

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