

**101+210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-21916 of 2021 (O&M)
Date of Decision: 18.05.2022**

Arshad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. R.S. Arya, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J.(ORAL)

CRM-18311-2022

The present application has been filed for seeking amendment in the head note and prayer clause of the petition in view of the fact that Section 379-B IPC, 1860 added later on.

Learned State counsel has stated that he has no objection in case the aforesaid amendment is made as the same does not affect the merits of the case.

In view of the above, the present application is allowed. The Registry is directed to make necessary modification in the head note and prayer clause of the petition and Section 379-B IPC, 1860 be added at all appropriate place in the petition.

Main Case

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in the event of arrest in FIR No.166, dated 28.04.2021 under Sections 148, 149, 323, 506, 379-A and 379-B IPC, 1860 registered at Police Station Ferozepur Jhirka, District Nuh.

2. It has been submitted by learned counsel for the petitioner that in pursuance of the order passed by this Court on 02.06.2021, the petitioner has

joined the investigation and he has also cooperated with the investigation

process. He submitted that it was a case of cross fight where the petitioner also received injuries and an FIR was also registered against the complainant of the present case.

3. On the other hand, learned State counsel on instructions received from ASI Shiv Parkash has submitted that it is correct that in pursuance of the order passed by this Court on 02.06.2021, the petitioner has joined the investigation and there has been a recovery of '*lathi*' from him. He submitted that however an amount of Rs.20,000/- is yet to be recovered from him.

4. I have heard the learned counsel for the parties.

5. As per the statement made by the learned counsel for the parties, the petitioner has already joined the investigation in pursuance of the order passed by this Court on 02.06.2021. However, so far as the recovery of Rs.20,000/- is concerned, the same cannot become a ground for denial of anticipatory bail to the petitioner.

6. On a specific query put to learned counsel for the parties as to whether the petitioner is involved in any other case or not, it has been stated by both the learned counsel for the parties that the petitioner is not involved in any other case.

7. Therefore, this Court is of the view that the present petition deserved to succeed. Consequently, the present petition is allowed. The order dated 02.06.2021 is hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

May 18, 2022

Manpreet

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