

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-25509-2022 (O&M)

Date of Decision:-30.8.2022

Mohammad Umar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Inderjeet Singh, Advocate for
Mr. Jamshed Ahmed, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana,
assisted by ASI Devi Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.95 dated 13.4.2022, Police Station Uttawar, District Palwal (Haryana), under Sections 148, 149, 323, 506 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.
2. The petitioner had earlier been released on regular bail by the Trial Court but subsequently upon addition of offence under Section 326 IPC, the petitioner apprehended his arrest and moved an application seeking anticipatory bail before the Court of Sessions, which was declined and thereafter the instant petition has been filed.
3. At the time of issuance of notice of motion, the following order was passed on 2.6.2022:

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying for anticipatory bail to the petitioner in case bearing FIR No. 95 dated 13.04.2022 registered under Sections 148, 149, 323 and 506 of the Indian Penal Code, 1860 (Section 326 of the IPC was added later on) at Police Station Uttawar, District Palwal (Haryana).

Learned counsel for the petitioner *inter alia* contends that the case was initially registered for commission of offence under Sections 148/149/323/506 of the IPC and that the petitioner was arrested therein. He was released on regular bail vide order dated 16.04.2022. However, Section 326 was thereafter attracted to the instant case as a result whereof the instant petition seeking pre-arrest bail has been filed. He contends that as the petitioner was already enlarged on regular bail and no recovery is to be effected, no purpose would be served by sending the petitioner to custody.

Notice of motion.

Mr. Ashish Yadav, Additional A.G. Haryana appears and accepts notice on behalf of the respondent/State.

In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

List on 30.08.2022, for further consideration.”

4. Learned State counsel, upon instructions from ASI Devi Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation.
5. In view of the aforestated position, wherein the petitioner apprehends his arrest upon addition of an offence under Section 326 IPC and is otherwise

stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 2.6.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

30.8.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No