

CRM-M-27429-2022

Date of Decision: 01.09.2022

Gulzar

.....Petitioner

Vs.

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Stephan Masih, Advocate,
for the petitioner.

Mr. Dhruv Sihag, A.A.G., Haryana.

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. 45 dated 16.01.2022, under Sections 308, 323, 506 and 34 of the Indian Penal Code, 1860, registered at Police Station Yamuna Nagar City, District Yamuna Nagar.

On 24.06.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The instant petition has been filed under Section 438 CrPC for grant of anticipatory bail to the petitioner in case bearing FIR No.45 dated 16.01.2022 under Sections 308, 323, 506 and 34 of the IPC registered at Police Station Yamuna Nagar City, District Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner has attributed a danda blow on the right hand of the injured and that said injury is a superficial blow not attracting Section 308 IPC. He further contends that the petitioner does not suffer from any criminal antecedents and is ready and willing to join investigation as and when called upon by the investigating agency.

Notice of motion.

Mr. Kanwar Sanjiv Kumar, AAG Haryana accepts notice on behalf of the respondent-State.

To come up for further consideration on 01.09.2022.

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.

(VINOD S. BHARDWAJ)

JUDGE

24.06.2022”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Lakhwinder Singh, has submitted that the petitioner has joined the investigation 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 24.06.2022 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 24.06.2022 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.

September 01, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No