

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

CRM-M-32916-2022

Date of Decision: 15.09.2022

Dinkar @ Jony

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Dinesh Arora, Advocate,
for the petitioner.

Mr. Praveen Bhadu, 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. 131, dated 15.04.2022, under Sections 323/325/506/34 of the IPC (Section 307 of the IPC was added later on), registered at Police Station Sadar, District, Mahendergarh.

On 29.07.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the present case is arising out of a land dispute between the real brother of the petitioner's uncle and petitioner's father and on 26.03.2022, the complainant party had attacked the petitioner's father on account of the said land dispute and the petitioner's father had become very serious and had suffered grievous injuries on his head. It is further submitted that the petitioner's uncle namely Kiran Pal Singh, with the intention to destroy the Sarso crop, moved his truck into the field and the complainant party tried to stop him and thus, injuries were caused. It is contended that the petitioner party was not armed with any deadly weapon whereas, the

complainant party were armed with deadly weapons including axe, gandasi and iron rod. It is further contended that the complaint has been filed on 06.04.2022, after a delay of more than 10 days i.e., after due deliberation and the present case is a case of free fight and there is no injury which is declared to be dangerous to life so as to attract offence under Section 307 of IPC. It is argued that the petitioner himself had suffered eight injuries, out of which, one injury was a lacerated wound over the right posterior parietoccipital region and the MLR regarding the same has been annexed as Annexure P-3 with the paper book. It is further argued that even Kiran Pal Singh and Prahlad had also suffered multiple injuries and even father of the petitioner had also received injuries including fracture on his left leg and MLRs regarding the same have also been annexed as Annexures P-4 to P-6 with the paper book. It is also submitted that although, the petitioner had given a complaint for taking necessary action against the complainant party but however, no action has been taken against them. It is also contended that the petitioner's uncle namely Kiran Pal Singh has filed civil suit and on account of the bad blood between them, the present incident has happened. It is also argued that coaccused of the petitioner namely Prahlad Singh and Ajit Singh have been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide order dated 06.07.2022 passed in CRM-M-27769-2022. It is further submitted that the main accused Kiran Pal Singh has surrendered and is in custody.

Notice of motion for 15.09.2022. 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.

Learned counsel for the State and complainant would be at liberty to produce on record all the relevant documents, if any, on the next date of hearing in order to show that the petitioner is not entitled for grant of anticipatory bail.'

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 Amardeep 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 29.07.2022 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 29.07.2022 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 15, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No