

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(271)

CRM-M-36767-2021

Date of decision: - 27.05.2022

Harvinder @ Kranti and another

....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gurinder Pal Singh, Advocate
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.228 dated 09.07.2021, under Sections 323, 324 and 506 read with Section 34 of the Indian Penal Code, 1860 (Section 326 IPC has been added later on), registered at Police Station Murthal, District Sonipat.

On 07.09.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel contends that initially the FIR was registered for the offences punishable under Sections 323, 324, 506/34 IPC and after their arrest, the accused were released on bail vide order dated 26.07.2021. He submits that the injured, who remained admitted for two days at PGIMS Rohtak was discharged on 3rd day, but the offence punishable under Section 326 IPC was added on 17.08.2021 without any opinion from the doctor, who treated the

patient. According to him, the addition of offence has once again given rise to the apprehension of arrest and in the given facts, the custodial interrogation of the petitioners may not be necessary, as they are willing to join the investigation.

Notice of motion for 21.01.2022.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

(MANOJ BAJAJ)
JUDGE”

07.09.2021

Learned counsel for the petitioners has submitted that in pursuance of the above-said order, the petitioners have joined the investigation and even the challan has been presented and charges have been framed on 25.04.2022 and in the said order also, the petitioners are shown to have appeared and the case is now fixed for 14.03.2023 for evidence.

Learned State counsel, on instructions from the investigating officer, has submitted that the petitioners have joined the investigation and are not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 07.09.2021 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 07.09.2021 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.

May 27, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No