

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

CRM-M-41620-2021 (O&M)
Date of Decision:-11.1.2022

Jan Mohammad ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rakesh Sobti, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Sahil.

(proceedings conducted through video conferencing)

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.330 dated 23.10.2020 at Police Station Hathin, District Palwal under Sections 148, 149, 323, 324, 506 of Indian Penal Code, wherein offence under Section 307 IPC was added lateron.
2. At the time of issuance of notice of motion on 5.10.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.330 dated 23.10.2020 at Police Station Hathin, District Palwal under Sections 148, 149, 323, 324, 506, 307 of Indian Penal Code.

The FIR in question was lodged at the instance of Junaid, wherein it is alleged that when he alongwith other members of the family were present in their fields, Tauhid and Istak caught hold of his father Ajmat. While Rafik gave injury on his foot, accused Jan Mohammad (petitioner) is stated to have given a blow with rod on the leg of Ajmat. It is alleged that accused Memuna and Irfan caught hold of Sakir while Lallu gave blow with '*lathi*' on his head.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, even if the allegations as levelled in the FIR are taken to be correct, still the petitioner cannot be said to have caused any injury so as to attract an offence under Section 307 IPC as he is attributed a blow on the leg with rod only. Learned counsel for the petitioner has further submitted that a co-accused Memuna has already been granted interim bail by Hon'ble the Supreme Court vide order dated 26.8.2021 (Annexure P-5).

Learned counsel for the petitioner has submitted that the instant case is infact a case of cross-versions, wherein FIR No.329 dated 23.10.2020, Police Station Hathin, District Palwal under Sections 148, 149, 323 and 506 of Indian Penal Code had been lodged at the instance of petitioner against Junaid, Taufik, Ajmat, Hamid, Azroodin, Rehmat, Pippu, Azzi and Asudin, wherein it has been alleged that the accused had caused injuries to the brother of petitioner and his wife with the help of '*farsa*', axe, iron rod, '*lathi*' and sticks. While Rafik was found to have sustained 3 injuries, his wife Memuna was found to have sustained 2 injuries. Learned counsel has further submitted that, in these circumstances, it will be highly debatable as to which of the party is an aggressor.

Notice of motion for **11.1.2022**.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer.

However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from the Investigating Officer, has submitted that the petitioner pursuant to interim directions, has already joined investigation and is not required for any custodial interrogation. It has also been informed that apart from the present case, the petitioner happens to be involved in one more case under Sections 325 and 452 of Indian Penal Code.
4. Having regard to the aforesaid position, wherein the petitioner is 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 5.10.2021 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.

11.1.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No