

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

CRM-M-41867-2021

Date of decision : 20.05.2022

Gajraj Singh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sukhcharan Singh, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Jagjot Singh, Advocate for

Mr. Kunal Dawar, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.153 dated 16.08.2021 under Sections 148, 149, 323 and 506 Indian Penal Code, 1860 (Sections 324, 325 and 326 IPC added later on) registered at Police Station BPTP, Faridabad, District Faridabad, who apprehends his arrest at the hands of Police.

On 11.11.2021, this Court had passed the following order:-

“On 06.10.2021, the following order was passed by this Court:-

“Learned senior counsel has argued that the occurrence took place between collaterals, as they have a dispute regarding inheritance of ancestral property and both sides suffered injuries. According to him, as per allegations in the FIR, the petitioner caused injuries upon Mahendri (mother of complainant) and Surrender and the said injuries are simple in nature. He submits that the offences punishable under Sections 325 and 326 were added subsequently, therefore, in the given facts, the

custodial interrogation of the petitioner may not be necessary.

Notice of motion.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of respondent-State and Mr. Kunal Dawar, Advocate accepts notice on behalf complainant and have opposed the prayer, as according to them, the petitioner has caused injuries to four persons, namely, Mahendri, Virender, Sudhir and Surender. According to them, Varinder and Sudhir suffered fractures and the said injuries are also attributed to the petitioner. However, it is not disputed that a cross case on the basis of the statement of Sachin son of Beghraj (nephew of the petitioner) was also registered.

Adjourned to 13.10.2021. ”

Today, learned State counsel has filed reply by way of affidavit of Satya Pal, HPS, Assistant Commissioner of Police, BPTP, Faridabad and has reiterated his stand that the petitioner caused grievous injuries upon injured Virender and Sudhir. In this regard, he has invited the attention of the Court to their statements recorded under 161 Cr.P.C.

At this stage, Mr. Anmol Rattan Sidhu, learned senior counsel has argued that admittedly, it was a clash between two groups and both sides have suffered multiple injuries. According to him, the weapon allegedly used by the petitioner was carried by co-accused Sachin and the injuries suffered by injured are on little finger and right forearm.

Adjourned to 11.02.2022.

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

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by SI Sandeep states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 11.11.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

20.05.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No