

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

CRM-M-51051-2021 (O&M)
Date of Decision:-12.5.2022

Sonu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raghav Sharma, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Krishan Pal.

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.251 dated 25.6.2021, Police Station Kurukshetra University, Kurukshetra, under Sections 148, 149, 308, 323, 324 and 506 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 7.12.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.251, dated 25.6.2021, Police Station Kurukshetra University, Kurukshetra, under Sections 148, 149, 308, 323, 324, 506 IPC.

The FIR in question was lodged at the instance of Rajkishan wherein it is alleged that on 24.6.2021 at about 6 pm, when he along with his son Ram Pal and a friend of his son namely Sahil and Ajay were going on a tractor towards the fields where his father was already present and while they were loading 'toori', then Joginder, Rahul, Rajkumar, Jaswant accompanied by 7-8 other persons who were carrying sticks, gandas, spear and iron pipes came there all of a sudden and attacked them. It is alleged that Joginder inflicted a blow with spear on complainant's head. Rahul is alleged to have given a blow with 'gandasi' on complainant's head. Jaswant Singh is stated to have given a blow with 'iron pipe' which the complainant warded off with his hands as a result of which his left hand was injured. When Ram Pal, Ajay and Sahil tried to rescue him, then Joginder, Rahul, Jaswant and Rajkumar and 7-8 other persons caused injuries to them as well with the help of sticks and iron pipes carried by them. When the complainant's father came to the spot after hearing the noise, the said persons caused injuries to him as well.

Learned counsel for the petitioner submits that he is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by one Sachin, who himself had been nominated on a disclosure statement suffered by another co-accused. It has further been submitted that it is infact a case of cross-versions wherein FIR No.252 dated 25.6.2021, Police Station Kurukshetra University, Kurukshetra, under Sections 148, 149, 323, 324 and 506 IPC was lodged in respect of the injuries sustained by as many as 4 persons from the side of the petitioner which are absolutely unexplained. It has thus been submitted that the genesis of occurrence has been suppressed and that in any case it is yet to be determined as to which of the parties is the aggressor.

Notice of motion for 19.4.2022.

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 the 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 informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and otherwise has a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 7.12.2021 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.

12.5.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No