

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM-M-52519-2021
Date of decision:- 10.03.2022

Dharamvir and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikrant Rana, Advocate for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

On 16.12.2021, this Court passed the following order:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0413 dated 13.10.2021, registered for offences under Sections 323, 34, 354-A, 452 and 506 of the Indian Penal Code, 1860, at Police Station Kanina, District Mahendergarh (Annexure P-1).

After arguing for some time, counsel for the petitioners submits that he does not want to press the petition in so far as the petitioner No.1, namely, Dharamvir, is concerned, and submits that he will surrender before the Trial Court within a period of one week from today and file a petition seeking grant of regular bail.

In case, petitioner No.1 surrenders before the Trial Court within a period of one week from today and files a petition seeking grant of regular bail, the Trial

Court shall make an endeavour and dispose it off within a period of one week from the date of its filing.

Petition is disposed of qua petitioner No.1.

Counsel submits that the allegations qua petitioner No.2 is of inflicting a stick blow on the arm of complainant. Counsel urges that injury attributed to petitioner No.2 has been declared to be simple. It is his argument that there is some dispute with regard to temporary boundary of a plot, the allegations levelled against petitioner No.2 are false and there is no accusation against petitioner No.2 attracting offence under Section 354-A, IPC.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana accepts notice on behalf of the respondent-State. Upon instructions from L/ASI Sushila, she submits that the complainant-victim has supported the allegations in her statement recorded under Section 164 Cr.P.C. and has specifically named petitioner No.2 and accused him of inflicting a stick blow. Upon further instructions, she submits that the victim has received five injuries including injury on her arm, though all the injuries have been declared to be caused by a blunt weapon.

List on 10.03.2022.

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

Counsel for the petitioners submits that petitioner No.1 has surrendered before the Trial Court and has been released on regular bail, and petitioner No.2 has joined the investigation.

Learned State counsel, upon instructions from L/ASI, Sushila has affirmed that petitioner No.2 has joined the investigation and is no longer required for custodial interrogation.

Petition is disposed of.

Order dated 16.12.2021 is made absolute in so far as petitioner No.2 is concerned, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

10.03.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No