

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.213

CRM-M-4540-2023

Date of decision : 26.04.2023

Naved

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr.Saleem Ahmed, Advocate, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

* * * * *

DEEPAK SIBAL, J. (Oral)

(1) Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.71 dated 14.02.2022 registered under Sections 323, 341, 506, 34 IPC and Sections 25 of the Arms Act, 1959 (Section 307 IPC added later on) at Police Station Sadar Nuh, District Nuh.

(2) On 30.01.2023 this Court had passed the following order: -

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in the case on account of rivalry between the petitioner and the complainant; the petitioner has no other criminal antecedents; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the petitioner is not attributed the injury which attracts the applicability of Section 307 IPC ; the attribution to the petitioner is only of a simple injury; cross FIR by the petitioner side is pending clearly showing the complainant side to be the aggressor and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion. Mr.Viney Phogat, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 26.04.2023.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.71, dated 14.02.2022, registered under Sections 307, 323, 341, 506, 34 IPC and Section 25 Arms Act, 1959 at Police Station Sadar Nuh, District Nuh, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

(3) Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined and cooperated with the investigation and that the State no longer requires the petitioner for investigation purposes.

(4) In the light of the submissions made on behalf of the petitioner as have been recorded in the afore quoted order as also the statement made on behalf of the State, subject to the petitioner’s abiding by the conditions prescribed under Section 438(2) Cr.P.C the order of this Court dated 30.01.2023, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

26.04.2023
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No