

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

208

CRM-M-8502-2023 (O&M)

Date of decision: 10.08.2023

Maharam

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Munish Behl, Advocate, for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

Mr. S.K. Panwar, Advocate, for the complainant.

AMAN CHAUDHARY. J.

1. On 17.02.2023, this Court had passed the following order:-

“This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in a case bearing FIR No.10 dated 13.01.2023, under Sections 148, 149, 323, 324, 341, 506 IPC, 1860 (Section 326 IPC added later on), registered at Police Station Hassanpur, District Palwal.

Learned counsel for the petitioner states that as per prosecution version, the petitioner was armed with danda. The grievous injury is attributed to the co-accused Rajiv who was armed with axe. The other injuries are simple in nature. On the statement of the petitioner, a cross-case was also registered. The co-accused Rajiv was given many injuries, including injury on the head which was grievous in nature. From the MLRs of co-accused Rajiv i.e. CT Scan of Brain (Annexure P-3) and CT Scan of Facial Bone (Annexure P-4), it was found that he had suffered fracture of tip of nasal bone and right nasal bone. Small air speck was also noted along right orbit.

Notice of motion.

Pursuant to advance notice supplied to the office of Advocate General, Haryana, Mr. Karan Sharma, DAG, Haryana has put in appearance on behalf of respondent-State.

Adjourned to 17.05.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the Arresting Officer/Investigating Officer on furnishing of bail bonds/surety bonds by him to the satisfaction of the Arresting Officer/Investigating Officer. The

petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Status Report on behalf of respondent State by also filed in the meanwhile.”

2. Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.
3. Learned State counsel on instructions from ASI Anil affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 17.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C
5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

10.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No