

CRM-M-9584-2023
Date of decision: 12.05.2023

...PETITIONER

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.K.Agnihotri, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

Mr. Keshav Pratap Singh, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

1. On 23.02.2023, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 24 dated 11.01.2023 under Sections 323/324/34/452/506 IPC and Section 326 IPC added later on, registered at Police Station Sadar Karnal, District Karnal.

Learned counsel for the petitioner contends that the injury under Section 326 IPC has not been attributed to the petitioner. Even the occurrence was video-graphed which indicates that the petitioner was empty handed. The petitioner had also sustained injuries at the hands of Ravinder and others and in this regard an FIR No.25 dated 11.01.2023 under Sections 323/324/34/506 IPC has been registered at Police Station Sadar Karnal, District Karnal. The petitioner is aged about 20 years and not involved in any other case.

Notice of motion.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State. Mr. Keshav Pratap Singh, Advocate, has put appearance on behalf of the complainant.

Adjourned to 12.05.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

CRM-M-9584-2023**-2-**

2. Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation, he was empty handed and even, sustained injuries at the hands of Ravinder and others regarding which a separate FIR has been registered.

3. On instructions from ASI Rajnish Kumar, learned State counsel submits that though, the petitioner has joined the investigation but he has not got recovered the stick with which he was allegedly armed.

4. It may be mentioned here that it is a categoric version of the petitioner that he was empty handed as is made out from the videography of the occurrence. The controversy as to whether the petitioner was armed with any weapon and had inflicted any injury will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of interim directions. Even, the petitioner had also sustained injury at the hands of Ravinder and others and in this regard a separate FIR No.25 dated 11.01.2023, under Sections 323/324/326/506 read with Section 34 IPC has been registered at Police Station Sadar Karnal, District Karnal.

5. In view of the aforesaid submissions, the order dated 23.02.2023, granting interim bail to the petitioner is made absolute.

6. The petition is allowed.

12.05.2023

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JUDGE

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