

2023:PHHC:077546

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

209-I

CRM-M-11170-2023

Date of decision: 25.05.2023

SAURAV GARG

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Dheeraj Kumar Narula, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J. (ORAL)

This is petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.29 dated 29.01.2023, under Sections 147, 148, 149, 323, 341, 379-B, 506 of IPC, registered at Police Station Kalanwali, District Sirsa (Haryana).

Status report dated 23.05.2023 by way of an affidavit of Gurdial Singh, HPS, Deputy Superintendent of Police, Kalanwali, District Sirsa on behalf of the respondent-State has been filed today in the Court and the same is taken on record. A copy thereof has been supplied to the counsel opposite.

As per version of the prosecution, FIR No.29 dated 29.01.2023, under Sections 147, 148, 149, 323, 341, 379-B and 506 of IPC (Section 325 IPC added during investigation), PS Kalanwali, District Sirsa (Annexure P1) was registered on the statement of complainant that on 25.01.2023 he had come to meet his family at his house and on 27.01.2023, he went to the market for some work. When he reached near Chopra's Dental Hospital, Harsh

Singla, Saurav, Ravi alias Mota, Naman, Vakeel Majoka, Kamal resident of Kalanwali were present there and some altercation took place with them. On 28.01.2023, his friend Rajvinder Singh came to his house to meet him. At about 7:00 PM, he went to drop his friend Rajvinder Singh on his motorcycle No. HR 94-4972. They were at some distance from his house, then from the opposite side a motor cycle and a scooty on which Harsh Singla, Saurav, Ravi alias Mota, Naman, Vakeel Majoka, Kamal came and obstructed their way with their motorcycle and scooty. 2/3 unknown persons were also with them. They all were armed with iron rods and out of them one boy gave a blow of iron rod on his left hand and consequently, they both fell down on the road along with the motorcycle. When his friend Rajvinder Singh tried to rescue him, then they all attacked upon his friend and caused injuries on the head, legs and other parts of the body of his friend. They raised a noise then they snatched the keys of the motorcycle and fled away from the spot. While leaving the spot they issued life threats to them.

On 03.03.2023, the following order was passed:-

“The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No 29, dated 29.01.2023, under Sections 147, 148, 149, 323, 341. 379-B, 506 IPC, registered at Police Station Kalanwali, District Sirsa (Haryana).

Learned counsel for the petitioner submits that now a compromise (Annexure P-3) has been effected between the parties.

Notice of motion.

At the asking of the Court, Mr. Karan Sharma, DAG, Haryana, appears and accepts notice on behalf of the respondent-State. A copy of the paper book be supplied to him during the course of the day. He seeks some time to file status report in the matter.

At this stage, Mr. Sunil Kumar Bajaj, Advocate has appeared and filed his vakalatnama on behalf of the complainants today in the Court and the same is taken on record. He has no objection if the prayer made in the petition is allowed.

List on 25.05.2023.

Meanwhile, in the eventuality of arrest of the petitioner in the instant case, he shall be enlarged on interim bail subject to his furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioner shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.”

Learned State counsel, on instructions from SI, Om Parkash 395, Ludhiana submits that in compliance of the order dated 03.03.2023 the petitioner has already joined the investigation and he is not required for any custodial interrogation.

The parties have already entered into compromise dated 22.02.2023 (Annexure P-3). Recovery has already been effected. Since, parties have entered into compromise, petitioner is not required for any custodial interrogation.

In view of above, the order dated 03.03.2023 granting interim bail to the petitioner, is made absolute. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

Petition is disposed of accordingly.

(GURBIR SINGH)
JUDGE

25.05.2023
Kusum

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No