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

CRM-M-12700-2023

Date of Decision: 31.05.2023

Davinder Singh

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. H.S. Randhawa, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.606, dated 20.10.2022 (Annexure P-1), registered under Sections 120-B, 148, 149, 308, 323 and 325 of the Indian Penal Code, 1860, at Police Station Ganaur, District Sonapat.

2. On 13.04.2023 the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner in case FIR No.606 dated 20.10.2022, registered under Sections 120-B, 148, 149, 308, 323 and 325 of the Indian Penal Code, 1860 at Police Station Ganaur, District

Sonepat.

Succinctly, the aforesaid FIR was registered on the statement of one Rajinder s/o Hari Ram, who stated that he had sown paddy in 25 killas of land and for harvesting the same, he had called his brothers who were staying in a room constructed in the fields. It is stated in the complaint that he (complainant) had harvested 6 killas of paddy of Sanjeet s/o Sukhbir through his brothers and he also agreed to harvest one killa of Joginder s/o Ram Diya. It is alleged that that Sanjeet wanted to get paddy of his uncle (Tau) Jai Chand harvested first and on 19.10.2022 at about 7:00 pm when complainant was standing in the street then Sanjeet came to him and asked the complainant to firstly harvest paddy of Jai Chand, however when complainant refused then Sanjeet started scuffling with him, however complainant was rescued by his brothers Ajit, Jagbir and nephew Bijender. It is stated that thereafter, complainant went to his brother's room in fields when around 9-10 pm, Sanjeet, Davinder (petitioner) and their relative came there alongwith 8-10 boys on their vehicles and Sanjeet gave a lathi blow on head of complainant, Davinder gave danda blow on shoulder of complainant and his relative gave danda blow on his foot. It is further alleged that in the meantime, complainant's son Daman, his nephew Dinesh and Mohit came to spot and the accused persons started quarreling with them and inflicted injuries to Daman, Dinesh and Mohit. Accordingly, the aforesaid FIR was registered.

Upon issuance of notice in this case, a status report has been filed by way of affidavit of Atma Ram, HPS, Assistant Commissioner of Police, Ganaur, Sonipat for State of Haryana, which is already on record.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that the instant case FIR (Annexure P-1) is a result of due deliberation and consultation, which can

be discerned from the fact that alleged occurrence took place on 19.10.2022, whereas, the instant FIR came to be registered on 20.10.2022. Learned counsel for the petitioner submits that although the complainant and his brother were declared fit to give statements on the date of alleged occurrence (19.10.2022), however they did not get their respective statements recorded and rather stated that they would give the statements only after talking to their families on the next date. Learned counsel for the petitioner further submits that in fact it is the complainant party, who had inflicted injuries to one of the employees of the petitioner; namely Bilal, who had received injuries both with blunt and sharp-edged weapons, however the Investigating Agency had deliberately not recorded the cross version of the petitioner. Learned counsel for the petitioner submits that as per status report, injuries suffered by Daman, Mohit are simple in nature and Dinesh was found to have not taken any treatment. He submits that so far as complainant-Rajinder is concerned, the petitioner is alleged to have given a danda blow on the shoulder of complainant and as per status report, the said injury is injury No.4, which is simple in nature. Learned counsel for the petitioner also submits that co-accused Sanjeet has already been granted the concession of anticipatory bail by this Court in CRM-M-53003 of 2022, vide order dated 09.01.2023. It is submitted that petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court.

Learned State counsel opposes the bail plea of the petitioner; however he does not refute the fact that as per status report, injuries suffered by Daman and Mohit are simple in nature and Dinesh had not taken any treatment. It is also not disputed that the petitioner is attributed injury to complainant on his shoulder; which is simple in nature. It is further not disputed that co-accused Sanjeet has been granted bail.

Adjourned to 31.05.2023.

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Without commenting anything on the merits of the case, the petitioner is directed to join the investigation as and when directed by the Investigating agency and in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating /Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.
4. Learned State counsel on instructions from ASI Narender Kumar has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.
5. Heard learned counsel for the parties.
6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 13.04.2023 passed by this Court is made absolute.
7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.
8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.
9. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded

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above are only for consideration of the prayer for anticipatory bail at this stage.

10. The petition is accordingly disposed of.

31.05.2023
Himani

(HARSH BUNGER)
JUDGE

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