

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-19033-2023

Date of Decision : 19.04.2023

Pardeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Rakesh Nagpal, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.280 dated 30.03.2023 registered under Sections 323, 506 and 34 of the Indian Penal Code, 1860 (to which Sections 325 and 452 of the IPC were added later on) at Police Station Sadar Hisar, District Hisar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The complainant party and the petitioner are in relation. The complainant is the real uncle of the petitioner. The dispute took place with regard to Barabandi of water in the fields. No specific injury has been attributed to the petitioner. The only role attributed to the petitioner is that he gave fist blow. Injury No.2 on the nose of Partab which is declared as grievous in nature has been attributed to co-accused Ram Kishan who has already been granted regular bail by the trial Court. The offences are triable by learned Judicial Magistrate First Class. Nothing is to be recovered from the petitioner and his custodial interrogation is not required in the case. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Munish Sharma, Asstt.

A.G., Haryana, who is present in the Court, accepts notice and vehemently opposed the grant of anticipatory bail to the petitioner. However, learned State counsel conceded the fact that the injury No.2 on the person of Partab which is declared as grievous in nature is not attributed to the petitioner.

I have heard learned counsel for the parties and gone through the record.

Keeping in view the facts and circumstances of the case, the fact that no specific injury has been attributed to the petitioner and the fact that co-accused Ram Kishan has already been granted regular bail by the trial Court but without commenting upon the merits of the case, the present petition for grant of anticipatory bail is allowed and in the event of arrest, the petitioner shall be released on bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Cr.P.C.

It is made clear, in case the petitioner fails to join the investigation, then the State could be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

19.04.2023
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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