

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214/A)

CRM No. M-22220 of 2023
Date of Decision : 13.07.2023

Jagan Lal @ Jagna Ram

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Ms. Gaganpreet Kaur, Deputy Advocate General, Haryana.

Mr. S.S. Pillania, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.108, dated 24.02.2023, registered under Sections 323, 341, 325, 307, 506 and 34 of the Indian Penal Code, 1860, at Police Station Rania, District Sirsa, Haryana.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 03.05.2023. Order dated 03.05.2023 is as under:-

“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.108, dated 24.02.2023, registered under Sections 323, 341, 325, 307, 506 and 34 of the Indian Penal Code, 1860, at Police Station Rania, District Sirsa, Haryana.

2. Brief facts of the present case are that on 21.02.2023, at

about 4:30-5:00 P.M., the complainant (Mohit), brother of the complainant (Ravi) and father of the complainant (Mahavir) were irrigating their fields. Suddenly, water-flow was stopped, Mahavir (father of the complainant) went to check the same and Mohit (complainant) followed him. They saw Pawan and Ram Murti sons of Jagna Ram along with Jagna Ram s/o Het Ram coming. Thereafter, Pawan was armed with spade and Ram Murti armed with gandasi gave blow on the head of Mahavir and when Mohit (complainant) tried to rescue his father (Mahavir) all the above mentioned three assailants started giving injuries to Mohit on his chest, back side and feet with lathi and gandasi. When the complainant and his father tried to ran away from the alleged spot, all the three assailants restrained them and gave injuries to both of them. It is alleged that when the complainant and his father raised an alarm, all the three assailants flee from the alleged spot along with their respective weapons. It is further alleged that during the occurrence purse of the complainant containing Rs.27,000/- and his phone fell at the spot. It is alleged that the phone was found, however, the assailants took away Rs.27,000/-. Accordingly, the present FIR was registered.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that there is an inordinate delay of more than 72 hours in registering the FIR. Learned counsel further submits that the petitioner is an old person of more than 68 years of age. It is contended that the petitioner was not at all present at the time of alleged occurrence nor any specific role has been attributed to the petitioner. It is stated that there is no evidence which connects the petitioner with the alleged commission of offence. It is also stated that the petitioner is not involved in any other case. Learned counsel next submits that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has

wrongly been dismissed by learned Sessions Judge, Sirsa, vide its order dated 29.04.2023 (Annexure P-1). It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

4. Notice of motion.

5. On the asking of the Court, Mr. Rupinder Singh Jhand, Addl., A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondent/State. Learned State counsel though opposes the petitioner's plea for bail on the ground of seriousness of the offence, however, he seeks time to get instructions in this matter.

6. At this stage, Mr. D.K. Sihag, Advocate appears and files Vakalatnama on behalf of the complainant in Court today, which is taken on record, subject to all just exceptions. He opposes the prayer of petitioner for grant of anticipatory bail, however, he has not disputed that in FIR, no specific injury is attributed to petitioner except the allegation that all three assailants gave injuries.

7. List on 13.07.2023.

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

9. A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day."

Learned State counsel states that in terms of the order dated

03.05.2023 reproduced before, the petitioner has joined the investigation and

no further interrogation is required.

In view of the above, the order dated 03.05.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands allowed in above terms.

July 13, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*

Whether reportable? *Yes/No*