

209

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

CRM-M-30677-2023 (O&M)**Date of decision : 07.08.2023**

Dharamender Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gagandeep Singh, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.286 dated 28.05.2023, under Sections 148, 149, 285, 323, 506 & 511 of the Indian Penal Code, 1860 (for short, '*the IPC*') and Section 25 of the Arms Act, 1959, registered at Police Station City Fatehabad, District Fatehabad.

2. Above FIR was registered on the basis of statement made by one Raju, with the allegations that petitioner and other co-accused came to the vacant plot behind the house of the complainant with intent to set-up a mobile tower. On asking of the inhabitants regarding the papers for installation of the tower, heated words were exchanged between the parties and thereafter, accused left the spot. On 28.05.2023, at about 01.00 p.m., petitioner along with other co-accused

came behind the complainant's house with the JCB machine to install the tower. They were carrying illegal pistol and gun. On objection of the complainant, the accused manhandled his mother.

3. This Court, on 16.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

"Notice of motion.

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted on 07.08.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973."

4. Contends that in terms of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer concerned and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 16.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

07.08.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No