

216 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-32816-2023 (O&M)
Date of Decision: 18.08.2023

Vijay @ Bantu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.124 dated 08.05.2023, under Sections 323, 506, 308 and 427 of the Indian Penal Code, 1860, registered at Police Station Civil Lines, District Rohtak.

2. Petitioner alongwith co-accused Tony Balhara and Rahul Bamal @ Sukha caused injuries to Aman on his head and while fleeing away from the spot, threatened him with dire consequences.

3. This Court vide order dated 21.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends, inter alia, that the matter has been compromised between the parties at their own level i.e. petitioner side as well as complainant.

Notice of motion.

On the asking of the Court, Mr. Jbhupender Singh, DAG, Haryana, accepts notice on behalf of respondent-State and seeks time to verify the above factual position.

Posted on 14.08.2023.

In the meanwhile, petitioner will 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 Code of Criminal Procedure, 1973.

At this stage, Mr. Sandeep Sharma, Advocate, appears on behalf of the complainant.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.

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

6. In view of above, interim order dated 21.07.2023 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.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

18.08.2023
SN/Mehak

(MAHABIR SINGH SINDHU)
JUDGE

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