

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33647 of 2023
Date of decision: 31st October, 2023

Ganesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sarfraj Gill, Advocate for
Mr. K.P. Singh, Advocate for the petitioner.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.
Mr. Rahul Vats, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.232 dated 09.06.2023 for the offences under Sections 148, 149, 323, 325, 427, 452 and 506 IPC registered at Police Station Gadpuri, District Palwal.

2. On the last date of hearing, i.e. 17.07.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner inter alia contends that it was on account of a business rivalry, a scuffle took place between the parties as both are running Chemist shops in the same vicinity. Learned counsel submits that no specific

injury stands attributed to the petitioner in the occurrence in question. It has also been submitted that the petitioner is ready and willing to join investigation and will cooperate with the investigating agency.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 17.07.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. Learned counsel for the complainant, however, has vehemently opposed the prayer made by the counsel opposite for extending the concession of bail to the petitioner. He submits that the petitioner indulged in unruly conduct and had caused extensive damage to the shop of the complainant, for which he does not deserve the concession of bail. He further submits that besides this, the petitioner also physically assaulted the complainant.

6. Be that as it may, in view of the instructions received by the learned State counsel that the petitioner has joined investigation and cooperated with the investigating agency, the petition is allowed and the interim order dated 17.07.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the

petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

October 31, 2023

rps

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