

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

**CRM-M-34709-2023 (O&M)
Date of decision : 11.09.2023**

Rakesh Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ashvani Kumar Paul, Advocate for
Mr. Ravinder Bangar, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.529 dated 01.07.2023, under Sections 323, 34 & 506 of the Indian Penal Code, 1860, (Sections 325, 289, IPC added later on), registered at Police Station Barwala, District Hisar.

(2) Above FIR was registered on the basis of statement made by complainant-Bhupender with the allegations that on 30.06.2023 at about 08:30 AM, he along with his brother-Joginder and father-Dharambir was planting paddy crop in his fields. His brother received a telephonic call from his cousin, namely, Rakesh (petitioner) that he also wanted some paddy

plants. His brother refused to deliver the plants, upon which, Rakesh said that he would take away their Scooty. After some time, Rakesh and his brother-Ramesh came in their fields with their pet dog and tried to take away their Scooty. When Joginder objected, both Rakesh & Ramesh attacked upon him with Iron Rods and also let their dog loose. When complainant and his father tried to rescue Joginder, then Rakesh & Ramesh hit him as well as his father and also threatened to kill them. On hearing noise, other persons gathered there and rescued them from the clutches of accused.

(3) This Court, vide order dated 20.07.2023, granted interim bail to petitioner and the same reads 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.

Mr. Ankur Sheoran, Advocate, causes representation on behalf of the complainant.

Posted on 11.09.2023.

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) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

- (5) Learned State Counsel has filed reply by way of affidavit dated 04/05.09.2023 of Sh. Gaurav Sharma, DSP, Barwala, Hisar. The same is taken on record. Copy thereof supplied to the opposite side. Learned State Counsel, on instructions, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of the above, interim order dated 20.07.2023 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 application(s), if any, shall also stand disposed off.

September 11th, 2023
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>