

CRM-M-34934-2023

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101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34934-2023

Date of Decision: 21.07.2023

Suraj

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. H.S.Dhindsa, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.69 dated 20.02.2023 registered under Sections 323, 324, 34, 452 and 506 of the Indian Penal Code, 1860, (Section 326 IPC was added later on after anticipatory bail of the petitioner was allowed vide order dated 27.02.2023 by the Court below), at Police Station Sector 14, District Panchkula.

2. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him in the present case. Even as per the case of the prosecution, the petitioner is alleged to have caused injuries on the arms of the complainant with a sword. However, under the protection orders granted by the court below, the petitioner has already joined the investigation, during which the sword allegedly used in the offence has already been shown to have been recovered from the petitioner. Hence, the petitioner is not required for any custodial interrogation. There is no other case against the petitioner.

3. Notice of motion.

4. Mr. K.K.Chahal, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State and vehemently opposed the petition.

5. On the other hand, the learned State Counsel, on instructions from ASI Arvind Kumar, has submitted that the petitioner has caused serious injuries to the complainant with a sharp edged weapon. Therefore, he does not deserve any concession of anticipatory bail. However, it is not disputed that the petitioner had joined the investigation, pursuant to the interim order passed by the court below, and the sword has allegedly been recovered from the petitioner. It is also not disputed that there is no other case against the petitioner.

6. In view of the above, but without commenting upon merits of the case, the present petition is disposed of by granting concession of anticipatory bail to the petitioner. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

21.07.2023

adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No