

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

CRM-M-38776-2022 (O&M)

Date of Decision : 20.10.2023

AARIF

.... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Diwan S. Adlakha, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.176 dated 22.07.2022 under Sections 323, 324, 354, 34 of the Indian Penal Code, 1860 and Section 326 of IPC (added later on), registered at Police Station Sadhaura, District Yamuna Nagar.

2. On 30.08.2022 the following order was passed :

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in the case on account of a matrimonial discord between the petitioner and the complainant; the petitioner has no other criminal antecedents; initially, the FIR was lodged

under Sections 323, 324, 354 read with Section 34 IPC; on lodging of the afore FIR the petitioner was granted bail and after grant of which the petitioner joined and cooperated with the investigation; only because Section 326 IPC has now been added custodial interrogation of the petitioner is not necessary; even otherwise the allegations against the petitioner are absolutely vague and unsubstantiated; co-accused – Taki who had earlier approached this Court through CRM-M-35478-2022 – Taki vs. State of Haryana has been granted ad interim anticipatory bail and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Ms. Sheenu Sura, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State and Mr. Mrigank Sharma, Advocate puts in appearance on behalf of the complainant.

For arguments, adjourned to 03.11.2022.

To be heard along with CRM-M-35478-2022.

Till the adjourned date the petitioner's arrest is stayed.

Before the adjourned date the State shall file a status report and apprise the Court with regard to the case of

the prosecution qua the petitioner, especially the nature of the injury attributed to him.”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated. Learned counsel would further contend that the parties have since compromised the matter and petition bearing CRM-M-35382-2023 for quashing of the FIR on the basis of compromise has been filed wherein the parties have been directed to appear before the Court below for recording their statements.

4. Learned counsel for the State, on instructions from ASI Jatinder, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 30.08.2022 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

20.10.2023

Aman Jain

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO