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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 37364 of 2023
Date of Decision :04.10.2023

CHHAJU RAM

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vinod Ghai, Sr. Advocate, with
Mr. Arnav Ghai, Advocate, Mr. B.N.S. Marok, Advocate,
Mr. A.P.S. Mann, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Mr. Bikram Chaudhary, Advocate-complainant.

.....

SANJIV BERRY, J.

By way of present petition filed under Section 438 Cr.P.C by the petitioner seeking anticipatory bail in in FIR (Annexure P-1) as under:-

FIR No.	Dated	Sections	Police Station
348	08.06.2023	148,149, 186, 332, 341, 353, 427 and 506 IPC 307 added lateron.	Sadar Bhiwani, District Bhiwani

2. It is contended by learned Senior Counsel representing the petitioner that the petitioner has already joined the investigation in compliance of the orders dated 11.08.2023 passed by this Court, and as such prayed for the interim bail to be confirmed.

3. Learned State counsel, on instructions from ASI Virender has intimated that the petitioner has already joined investigation in this case and is no more required for further investigation nor is required for custodial interrogation in the case.

4. Learned counsel representing the complainant, however, has opposed grant of bail to the petitioner on the ground that he being a member of unlawful assembly had participated in the occurrence. He submits that the injured had sustained 6 injuries in the occurrence and the petitioner along with other accused have made offence under Section 307 IPC and as such the bail application be dismissed.

5. After considering the rival contentions, it transpires that the petitioner along with other persons was named in the FIR (Annexure P-1) originally lodged for offences under Section 332, 341, 353, 427, 506, 148, 149, IPC and the same was registered on 08.06.2023 on the complaint moved by the driver of RTA staff.

6. It is evident from the reply dated 06.08.2023 submitted by the State counsel that the offences under Section 307 IPC was added in the case on 09.06.2023 on the statement of injured stating that the accused persons had tried to run over the scorpio vehicle over him with intent to kill him. The said vehicle was taken into police possession vide separate memo. It is the contention of the learned Senior counsel that the offence under Section 307 IPC has been added in the case as a after thought version given by the complainant that the accused party tried to run over the injured with intent to kill him with their scorpio vehicle. He submits that this version is

contradictory version given in the FIR, wherein, it is stated that after the occupants of the vehicle inflicting injuries on the person of the Kuldeep Singh and given beatings to the complainant they raised hue and cry, then some persons from the village came and accused ran away along with sticks in their scorpio vehicle and after they left, the complainant along with Kuldeep Singh went to General Hospital, Bhiwani for treatment. He as such submits that no case under Section 307 IPC is made out. Moreover, the petitioner has joined the investigation, and is not required for custodial interogation, he is entitled to bail.

7. As stated above, the petitioner has already joined investigation and as per the State counsel on instructions from the investigating officer he is not required for further investigation in the case nor is required for any custodial interogation, the question as to whether offences under Section 307 has attracted to in this case or not is debatable and would be decided during the course of trial. Since, the custodial interogation of the petitioner is not required and he has already joined investigation, no purpose would be served by sending him in custody. Therefore, in these circumstances of the case, without commenting on the merits of the case, the interim bail granted to the petitioner vide order dated 11.08.2023 is hereby confirmed subject to conditions as envisaged under Section 438(2) Cr.P.C., that the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner, will not tamper with the evidence, will not leave the country without prior permission of the Court.

8. The petition stand allowed.
9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

04.10.2023

<i>Gyan</i>	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No