

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+202/1

CRM-M-44067-2021 (O&M)

Date of Decision: 14.03.2023

Manish Kumar

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by L/SI Vaneeta)

Mr. Abhimanyu Singh, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

CRM-1303-2023

Application for placing on record amended petition in compliance of order dated 16.12.2022 of this Court is allowed. The same is taken on record. Registry is directed to tag at appropriate place.

CRM stands disposed of.

CRM-M-44067-2021

On 18.10.2021, the following order was passed:-

“Having heard counsel for the petitioner as also counsel for the complainant and keeping in view the fact that there is no documentary evidence to show that the incident, which is alleged to have been made the basis for registration of the FIR at the behest of the complainant, was reported prior to the incident, which took place, leading to registration of FIR No.95, dated 19.04.2021, at Police Station, Palwal, District Palwal.

Keeping in view the sequence of events, prima-facie, the assertion of counsel for the petitioner appears to be correct that the present FIR, which has been registered against the petitioner, is an after thought.

Notice of motion.

On the asking of the Court, Mr. Deepak Manchanda, Additional Advocate General, Haryana, accepts notice on behalf of the State of Haryana.

Let the petitioner join investigation and appear before the Investigating Officer on 22.10.2021 at 11:00 AM at Police Station Women, Police Station Palwal, District Palwal. On his doing so, petitioner be released on anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, petitioner shall continue to 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.

List for consideration on 12.11.2021.”

On 16.12.2022, the following order was passed:-

“Prayer made in the application is for addition of Section 326, IPC, in the prayer clause as well as in the main petition and for grant of anticipatory bail for the said offence.

Counsel for the applicant-petitioner submits that offence under Section 326, IPC, has been added after the petitioner had been granted anticipatory bail vide order dated 18.10.2021.

Notice of the application to the non-applicants.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of State-respondent No.1.

Heard counsel for the parties.

For the reasons given in the application, it is allowed.

Applicant-petitioner is permitted to add offence under Section 326, IPC, at the appropriate places in the main petition as well as in order dated 18.10.2021.

Order dated 18.10.2021 is modified accordingly.

Application is allowed.

Amended petition be filed before the date fixed in the main case.”

Learned State counsel, on instructions from L/SI Vaneeta, submits that petitioner has joined investigation and no custodial interrogation is required.

It is a case of cross version. The petitioner and complainant have lodged FIR against each other under different Sections of IPC.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 18.10.2021 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State

would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

14.03.2023
Mohit Kumar

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