

CRM-M-43904-2022

Date of decision: 14.03.2023

GURDEEP SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S.Brar, Advocate for the petitioners.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

VIVEK PURI, J. (ORAL)

On 22.09.2022, the following order was passed:-

“Through the instant petition under Section 438 Cr.P.C., the petitioners seeks anticipatory bail in case bearing FIR No.291 dated 30.06.2022, registered under Sections 148, 149, 324, 341, 506 IPC and later on added Section 326 IPC, at Police Station Naraingarh, District Ambala.

Learned counsel for the petitioners submits that there is a delay of two days in lodging the FIR, as the occurrence took place on 28.06.2022 and the FIR was registered on 30.06.2022; that petitioner No.1 was stated to be armed with a Sword, but no injury has been attributed to him on the vital part; that petitioner No. 2 has also not been attributed any specific injury and that initially, the complainant was admitted to Civil Hospital but later on, he was shifted to a private hospital for the reasons best known to him.

Notice of motion for 15.12.2022.

Meanwhile, the petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure. However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

In terms of order dated 15.12.2022, the interim bail granted to petitioner No.1 was made absolute, subject to the conditions laid down in Section

438(2) Cr.P.C.

As petitioner No.2 had not joined the investigation, he was again directed to join the investigation within a period of 20 days or any other date convenient to the Investigating Officer.

On instructions from SI Jai Gopal, learned State counsel submits that petitioner No.2 has not joined the investigation.

Faced with this situation, learned counsel for the petitioners seek to withdraw the present petition qua petitioner No.2.

Order granting interim bail to petitioner No.1 has already been made absolute, the petition qua petitioner No.2 is dismissed as withdrawn and accordingly, the present petition is disposed of.

14.03.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No