

218(1)

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

CRM-M-42258-2023 (O&M)

Date of decision : 17.10.2023

Krishan

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Shweta Bawa, Advocate,
for Mr. Balraj Gujjar, Advocate,
for the petitioner.

Mr. Ashok S. Chaudhry, Addl.A.G., Haryana,
assisted by ASI Sawan Kumar.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.298 dated 11.08.2023, under Sections 323, 386, 427, 506, 34 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Sector 65, Gurugram.

2. As per the prosecution story, petitioner along with other co-accused caused injuries to some of staff members and guests of Ahata owned by the complainant.

3. Additional affidavit of Mr. Priyanshu Dewan, HPS, Assistance Commissioner of Police, Badshahpur, Gurugram, dated 16.10.2023, is taken on record. Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

4. The Coordinate Bench, on 25.08.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.298 dated 11.08.2023, registered under Sections 323, 386, 427, 506 and 34 IPC at Police Station Sector 65, Gurugram District Gurugram (Haryana).

In the FIR, complainant alleged that he is running a Ahatha. On 11.08.2023, applicant along with others forcibly entered into the premises of his Ahatha and vandalized his property and physically assaulted some of his staff members and guests. He was being pressurized for the past two weeks by the locals to pay them monthly.

Learned counsel for the petitioner submits that petitioner is Krishan son of Bishan; whereas one Krishan Pal @ K.P. son of Ajee has been nominated in the FIR. Petitioner is not named in the FIR nor involved in any other case. No version has been put forward by the complainant regarding causing any injury to anybody. It was a simple dispute between the petitioner's side and the employees of the liquor vend situated outside the Ahata. The complainant has not given any details of time, date and the year regarding demand of ransom by the petitioner. He further submits that petitioner is ready and willing to join and co-operate with the investigation.

Notice of motion for 26.09.2023.

At the asking of the Court, Mr. Kiran Pal Singh, DAG, Haryana accepts notice on behalf of respondent-State and seeks time to file reply.

Meanwhile, the petitioner is directed to join the investigation. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the

Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

5. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
6. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
7. In view of above, interim order dated 25.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
9. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
10. Disposed off accordingly.

17.10.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No