

CRM-M-42746-2023 (O&M)

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210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42746-2023 (O&M)
Date of decision : 20.11.2023

Jainish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : None for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
for the respondent.

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.288 dated 29.05.2023, under Sections 148, 149, 323, 307, 506 and 120-B of the Indian Penal Code, 1860, registered at Police Station Naraingarh, District Ambala.

2. Above FIR was registered on the basis of statement made by one Sandeep Kumar with the allegations that petitioner, along with their companion, caused grievous injuries to him and his mother with iron rod, knife and also torn his mother's clothes.

3. This Court, on 22.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that petitioner was not named in the FIR; rather implicated on the basis of disclosure made by co-accused Asshi.

Per contra learned State counsel tried to oppose the prayer on the premise that petitioner was having a danda and has given a blow on the shoulder of the injured.

Even if the above assertion is taken as a gospel truth, still, prima facie, that would be only an offence under Section 323 of the IPC.

Again while making reference to the aforesaid disclosure, learned State counsel tried to oppose the claim of petitioner on the ground that he has been attributed a knife blow, but it runs de hors the initial version recorded in the FIR.

Be that as it may, the assertions raised by learned State counsel would be a matter of trial.

Posted for further consideration on 20.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Gaurav Kumar, and further stated that custodial interrogation of the petitioner is not required at this stage.

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6.

In view of above, interim order dated 22.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8.

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.
9.

Disposed off accordingly.

20.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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