

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46012-2022
Reserved on: 17.01.2023
Pronounced on: 30.01.2023

Noman ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sahil Gupta, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Deepender Singh, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
548	01.11.2020	Sadar Nuh, District Mewat (Haryana)	148, 149, 323, 452, 506, 302, 325 IPC

1. The petitioner apprehending arrest in the FIR captioned above, had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 16.11.2022, the petitioner was granted interim protection; however, the said order was recalled on 11.01.2023.
3. Petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. The State's counsel opposes the bail.

REASONING:

5. A perusal of the State's response reveals that the allegations against the petitioner were that he pushed the deceased. Given the absence of allegations of the petitioner having pre-planned the assault, thus, there would be no justification to keep this bail pending waiting for the proper investigation. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had

intimidated the victim or victim's family or the witnesses or that he had hampered the investigation, or despite being called to join the investigation, he did not appear before the investigator. Thus, the order dated 11.01.2023 is recalled and interim order dated 16.11.2022 is restored. Given above, there would be no justification to discontinue the interim protection, and the same is made absolute subject to the petitioner complying with the terms of the bail order with in fifteen days from today, if not already complied with.

Petition allowed in aforesaid terms. Interim order is made absolute subject to strict compliance of all terms and conditions. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

30.01.2023
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.