

CRM-M-49380-2023

2023:PHHC:152472

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

277

CRM-M-49380-2023

Date of Decision : **November 30, 2023**

OSAF

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: None for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

KULDEEP TIWARI, J.(ORAL)

1. On the last date of hearing, i.e. 29.9.2023, the following order was passed:-

“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.90 dated 24.05.2023, registered under Sections 148, 149, 323, 324, 325, 326 and 506 IPC at Police Station Bichhor, District Nuh.

As per the perusal of the petition, its a case of version and cross-version, where the fight had taken place between the complainant party and petitioner side. FIR No.89, dated 23.05.2023, was registered on the complaint of one Ratti, who was on the side of the petitioner, alleging offences under Sections 148, 149, 323, 452 and 506 IPC, wherein injuries have been caused to them by the complainant and others. Injury on Yasin has been inflicted by petitioner and one Munfaid. The petitioner is not involved in any other case and

is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

Notice of motion.

At the asking of the Court, Mr. Jagdish Manchanda, Addl. AG, Haryana accepts notice on behalf of respondent-State.

Adjourned to 30.11.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 20.10.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as 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.”

2. Today, the learned State counsel on instructions imparted to him by HC Gaurav Rawat, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is allowed and order dated 29.9.2023 is, hereby, made absolute.

November 30, 2023

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(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No