

205

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-51678-2022 (O&M)****Date of decision: 27.07.2023**

Tarun Kumar

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Narender Singh, Advocate,
for the petitioner.

Ms. Trishanjli Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J.

The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.1437, dated 06.10.2022 (Annexure P-1) under Sections 147, 149, 323, 506 IPC and 326 IPC (added later on) registered at Police Station Mansa Devi, Panchkula.

Vide order dated 11.11.2022, petitioner was granted the concession of interim bail in the following terms :-

“Learned counsel for the petitioner inter alia submits that as per the version in the FIR, five accused persons attacked the complainant with fists and kick blows. The petitioner is disabled person having 60% of permanent Locomotor Disability, as per the Unique Disability ID issued by the Government of India (Annexure P-2). He further submits that the petitioner is not in a condition to stand and walk properly and cannot be expected to give fist and kicks blows. No specific role and injury has been attributed to the petitioner. He is already ready and willing to join the investigation.”

Learned counsel for the petitioner states that pursuant to order

dated 11.11.2022, passed by this Court, the petitioner has joined the investigation and cooperated with the Investigating Agency.

Learned State counsel, on instructions from ASI Kashmir Singh, has not disputed the submissions made by learned counsel opposite. He has further, on instructions, submits that the petitioner was nominated as accused on the basis of a disclosure statement allegedly suffered by co-accused, who were apprehended with some aluminum foil which had some traces of heroin. On a pointed query put to the learned State counsel qua the criminal antecedents of the petitioner, he has, on instructions, informed the Court that the petitioner is not involved in any other case under the NDPS Act and he is no longer required for further interrogation.

In view of the above, the petition is allowed and interim order dated 08.05.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

27.07.2023

Satyawan

(MANJARI NEHRU KAUL)
JUDGE

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