

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

**CRM-M-50253-2023 (O&M)
Date of decision : 30.11.2023**

Surender Kumar @ Bodha

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Satish Saini, Advocate for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.604 dated 19.06.2023, under Sections 307, 323, 324, 427, 452, 506, 148 read with Section 149 of the Indian Penal Code, 1860 (Section 307 deleted & 201, IPC added later on); Section 25 of the Arms Act, 1959, registered at Police Station Sadar, District Karnal.

(2) Above FIR was registered on the basis of statement made by complainant-Satish Kumar with the allegations that on 19.06.2023 at about 10:00 am, petitioner along with other co-accused followed his son-Sangram and his friend-Gourav. The accused trespassed into the Shop of Satender

(relative of complainant) and attacked them with *lathis*, *dandas*, *sarias*, *swords* and knives. After causing injuries, all the accused fled away from the spot while extending threat and also destroyed some valuable articles lying in shop.

(3) This Court, while issuing notice of motion on 05.10.2023, granted interim bail to the petitioner and which reads as under:-

“Contends that injury No.1, which initially attracted under Section 307 IPC has been declared to be simple in nature by Medical Officer, Karnal. Also contends that there is no other criminal case pending against him.

Notice of motion for 30.11.2023.

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

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions, also acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) As a result thereof, petition is allowed; interim order dated 05.10.2023 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) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

November 30, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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