

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:157362
CRM-M-53221-2023 (O&M)
Date of Decision: December 08, 2023

Mohit Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.S. Mehndiratta, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Deep Singh Saini, Advocate for
Mr. Krishan Singh, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

On 30.10.2023, the following order was passed by this

Court:-

“By way of this petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.477, dtd 01.10.2023, under Sections 323, 506 of IPC (Section 307 IPC added later on), registered at Police Station Kurukshetra University, District Kurukshetra.

As per allegations, the occurrence took place on 22.09.2023, in which petitioner-Mohit Sharma allegedly caused injuries to the complainant Sachin.

It is contended by learned counsel for the petitioner that though the occurrence took place on 22.09.2023, but the FIR was lodged after a delay of 9 days on 01.10.2023. Learned counsel further contends that in fact the petitioner was not the aggressor and rather complainant had caught hold the petitioner and then his companion Gaurav caused injuries on the head and other parts of the body of the petitioner, which is evident from MLR (Annexure P-2), reflecting injuries on his head and other parts of the body. One of the injury is also caused with sharp edged weapon.

Notice of motion.

Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of respondent-State and Mr. Krishan Singh, Advocate has filed

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memo of appearance on behalf of the complainant. Copy of paper book be supplied to them during the course of day.

Learned State counsel along with counsel for the complainant has pointed out that delay in lodging the FIR was caused as injured was unfit for making statement. However, it is not disputed that both the parties suffered injuries in the same incident. The opinion regarding Section 307 IPC has been given on 05.10.2023.

Having regard to the aforesaid facts and circumstances and also the fact that it is a matter of trial, who is the aggressor, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

Status report be filed on 08.12.2023.”

Today, on instructions from ASI Rajesh Kumar, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 30.10.2023 and is no longer required for further investigation.

In view of the aforesaid, the order dated 30.10.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

December 08, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No