

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-260-2024 (O&M)
Date of decision : 15.02.2024

Mahipal and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Dr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. Pratham Sethi, Mr. Kanishk Sarup &
Mr. Taranjot Singh Sidana, Advocate for the petitioner(s).

Petition qua petitioner No.3-Jaswant stands disposed off
as not pressed, vide order dated 08.01.2024.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

None for the complainant.

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(s) in FIR No.482 dated 16.11.2023, under Sections 323, 506 read with Section 34 of the Indian Penal Code, 1860 (Sections 452 & 325 IPC added; Section 308 IPC deleted later on), registered at Police Station Israna, District Panipat.

(2) Above FIR was registered on the basis of complaint made by Tejbir with the allegations that petitioners, armed with *danda*, trespassed into his house and caused grievous injuries to him and one Ajit.

(3) Status Report by way of an affidavit dated 14.02.2024 of Sh. Dharamvir Singh, DSP, HQ, Panipat, along with Annexures R-1 to R-8, has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(4) This Court, while issuing notice of motion on 08.01.2024, granted interim bail to petitioners and the order reads as under:-

“At the outset, learned Senior counsel submits that he does not press the petition qua petitioner No.3.

Ordered accordingly.

Learned Senior counsel contends that offence under Section 308 IPC has been added after a period of one month from the alleged occurrence.

Notice of motion.

On the asking of the Court, Mr. Kiran Pal Singh, AAG Haryana accepts notice on behalf of respondent-State and seeks time to have instructions and/or file short affidavit regarding the complicity of petitioners.

Posted for 15.02.2024.

In the meanwhile, remaining petitioners Nos. 1 to 2 & 4 to 5 shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The remaining petitioners shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

- (5) Learned Counsel submits that in pursuance of the aforesaid order, petitioner Nos.1, 2, 4 & 5 have already joined the investigation and their custodial interrogation is not required.
- (6) Learned State Counsel, on instructions from ASI Ranbir Singh, acknowledged that aforesaid petitioners have joined investigation and as on today, their custodial interrogation is not required.
- (7) In view of above, interim order dated 08.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (9) 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.
- (10) It is clarified that in case there is recurrence on the part of the petitioners, State would be at liberty to move an appropriate application for recalling of this order.
- (11) Disposed off accordingly.
- (12) Pending application(s), if any, shall also stand disposed off.

15th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>