

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

CRM-M-2620-2024
Date of Decision:23.01.2024

Pardeep Masih ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Lakhwinder Singh, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.
Mr. Rakesh Gupta, Advocate for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.480 dated 07.09.2023, registered under Sections 148, 149, 323, 324, 325, 326 of IPC, at Police Station Sadar Fatehabad, District Fatehabad.

2. Learned counsel for the petitioner contends that the petitioner has been named in the FIR, however, no specific injury has been attributed to him. Learned counsel further contends that similarly placed co-accused, namely, Darshan and Mandeep Masih have already been granted the concession of anticipatory bail by this Court, vide order dated 15.01.2024 in CRM-M-1217-2024. Learned counsel further contends that the injury, which attracted the offence under Section 326 of IPC, is attributed to Sonu Masih, non-applicant. Sonu Masih has already been arrested by the police and the knife has been recovered from him. Thus, the custodial interrogation of the petitioner may not be required, at this stage.

3. On the other hand, learned State counsel as well as learned counsel for the complainant have vehemently opposed the prayer made by learned counsel for the petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. In fact, the petitioner was earlier arrested on 25.09.2023 and was admitted to bail. However, due to addition of offence under Section 326 IPC, the petitioner again apprehends imminent arrest. It is also admitted that Darshan and Mandeep Masih, have already been admitted to bail by this Court and the main accused, Sonu Masih has already been arrested by the police. Thus, custodial interrogation of the petitioner may not be required, in the present case.

5. Without commenting on the merits of the case, the present petition is allowed. The petitioner is granted the concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C. In case, the petitioner involves in any other case during the pendency of the trial in the present case, the prosecution/complainant shall be at liberty to move an application for cancellation of bail granted to the present petitioner.

23.01.2024
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No