

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-3534-2024 (O&M)
Date of Decision: 26.02.2024

...Petitioner

V/S

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tejas Bansal, Advocate and
Mr. Sanjiv Kumar Aggarwal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

Mr. Divya Godara, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 507 dated 05.12.2023 registered under Sections 147, 148, 149, 323, 324, 341 and 506 of Indian Penal Code (Section 326 of IPC added later on) at Police Station Sadar Sirsa, District Sirsa.
2. On 23.01.2024, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.507 dated 05.12.2023 registered under Sections 147, 148, 149, 323, 324, 341, 506 IPC (Section 326 IPC added later on) at Police Station Sadar Sirsa, District Sirsa.

Learned counsel for the petitioner, inter alia, contends that it is a case of version and cross-version. The complainant in the FIR supra did not explain delay of 15 days in lodging the FIR. FIR No.484 dated 20.11.2023 under Sections 147, 149, 323, 341, 447, 506 IPC has been

registered against the complainant at Police Station Sadar Sirsa, District Sirsa with regard to same occurrence. The ocular version is contrary to the medical evidence. As per the allegations contained in FIR No.507 dated 05.12.2023, the petitioner is alleged to have been armed with a bamboo stick. As such, whether the injury, which was declared grievous under Section 326 IPC is made out or not, would be debatable.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 30.01.2024 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 26.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case

and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel on instructions from ASI Kishori Lal, submits that in compliance of order dated 23.01.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Ms. Divya Godara, Advocate has put in appearance on behalf of the complainant and filed his power of attorney. Same is taken on record.
5. Keeping in view the statement made by learned State Counsel the order dated 23.01.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
6. The petition is accordingly allowed.

26.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No