

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-15274-2024
Date of decision: 25.04.2024

DEEPAK KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Omkar Chauhan, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing, i.e. 22.03.2024, the following order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.281 dated 19.07.2023, under Sections 323, 452, 34 of the IPC, registered at P.S. Farukhnagar, District Gurugram.

2. The learned counsel for the petitioner submits that though the petitioner has been falsely implicated in the present FIR, however, even if the allegations are taken to be a gospel truth, yet the only allegation against the petitioner, is that, he along with his friend, while being armed with iron rod and Kassi, entered into house of the complainant and started beating him, which resulted in the latter receiving simple injury(ies). Lastly, he submits that since, except Section 452 of the IPC, all other offences are bailable, therefore, the petitioner deserves him being granted the relief (supra).

3. Notice of motion for 25.04.2024.

4. *Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.*

5. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”*

2. Today, the learned State counsel on instructions imparted to him by ASI Anil, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 22.03.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

25.04.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No