

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-16462-2024

Date of decision: 30.04.2024

VIPIN

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Jai Vir Yadav, Sr. Advocate with
Mr. Nitish Sharma, Advocate &
Ms. Parul, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Shashikant Gupta, Advocate
for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing, i.e. 04.04.2024, the following order was
passed:-

“Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of his being enlarged on anticipatory bail, in case FIR No.40 dated 13.02.2024, under Sections 307, 323 and 34 of the IPC, registered at Police Station Sadar>NNL, District Mahendergarh.

The allegations as culled out from the FIR, are that on 24.12.2023, at about 5:00 PM, complainant, and Krishan, were sitting behind the shop of Sunder Mohan, in the meanwhile, present petitioner, and one Sunny, resident of Village Sihma, came there, and gave him fist and leg blows. Thereafter, Raj Kumar, Sunil, and Suresh resident of Village Sihma, also came there, and gave beatings to him. On the basis of the said allegations, the present FIR was registered, and subsequently, the offence under Section 307 of IPC, was added later on, as injury No.1 was declared

dangerous to life. After about three months, the supplement statement of present complainant was recorded, wherein, he specifically alleged that it was Vipin (present petitioner), who inflicted injuries to him with lathi. Learned counsel for the petitioner submits that it is a clear cut case of improvement, as in the earlier statement, the only role that was attributed to the present petitioner was that, he has caused injuries, with fist and leg blows. Learned counsel for the petitioner further submits that after about three months, the complainant improved his version, and is falsely implicating the present petitioner in the instant matter.

Notice of motion.

Mr. Bhupender Singh, DAG, Haryana, waives service of notice on behalf of the respondent-State. 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 bond 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.

Adjourned to 30.04.2024.”

2. Today, the learned State counsel on instructions imparted to him by ASI Pawan, 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 04.04.2024 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.

30.04.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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