

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-21896-2024

Date of decision: 23.05.2024

ISHIKA MAHANT ALIAS ANIL BABA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Mr. S.S. Gill, Advocate with
Ms. Neha Bindal, Advocate for the complainant.

KULDEEP TIWARI. J.(Oral)

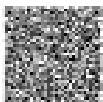
1. On the last date of hearing, i.e. 02.05.2024, the following order was
passed:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.40 dated 19.1.2024 under Sections 148/149/323/324/325/326/307/506 of IPC, registered at Police Station Sirsa City, District Sirsa.

Learned counsel for the petitioner inter-alia submits that the injury, which attract the penal provisions of Section 307 IPC, is not attributed to the petitioner. He further submits that the dispute is between the transgenders, with regard to their territory and qua that earlier as well 2 FIRs have been registered among the petitioner's party as well as the complainant's party.

Notice of motion.

On the asking of the Court, Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of the respondent-State.



At this stage, Mr. Satbir Singh Gill, Advocate has caused appearance on behalf of the complainant and submits that though no specific injury is attributed to the present petitioner, which could attract the provisions of Section 307 IPC, however, the present petitioner is the main accused, therefore, he is not entitled for the grant of pre-arrest bail.

Be that as it may, considering the fact that the injury attributed to the present petitioner is simple in nature, therefore, the petitioner is entitled for the grant of pre-arrest bail.

Adjourned to 23.5.2024.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him from the official respondent, 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 interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 02.05.2024 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.

23.05.2024
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(KULDEEP TIWARI)
JUDGE

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