



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26321-2024
Date of decision: 17.07.2024

SUMITPETITIONER

Versus

STATE OF HARYANA ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Karan Kaushal, Advocate for the petitioner.
Ms. Harpreet Kaur, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Reply by way of an affidavit of Assistant Commissioner of Police, Murthal, Sonipat on behalf of the respondent has been filed in the Court today, which is taken on record.

2. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
24	14.01.2024	148, 149, 308, 323, 324 and 506 of IPC	Gannaur, District Sonipat

3. Learned counsel for the petitioner submits that in compliance to the order dated 28.05.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 28.05.2024.

4. Learned State counsel, on instructions from ASI Narender Singh, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.



5. Learned counsel for the complainant has opposed the bail petition and submits that keeping in view the gravity of offence, the petitioner does not deserve the concession of bail

6. During the course of hearing on 28.05.2024, following order was passed:

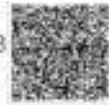
“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent having no criminal antecedents and has been falsely implicated in this case on the basis of alleged disclosure statement dated 16.03.2024 made by the co-accused, namely Amit @ Haddi (Annexure P-3). He contends that even from the perusal of the said disclosure statement, no injury is attributed to the petitioner and during the course of investigation, even the complainant had given an affidavit to the effect that the petitioner, who is known to him earlier, had not visited the premises on the date of occurrence and to this effect even a representation dated 22.03.2024 (Annexure P-7) has since been moved by the father of the petitioner to the Commissioner of Police, Rai, Sonapat. He further contends that the petitioner is ready to join investigation.

3. Notice of motion.

4. On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, present in Court, accepts notice on behalf of the State-respondent and does not dispute the factual matrix of the case. She prays for time to file the status report/reply in the matter.

5. Mr. Karanvir Hooda, Advocate, has entered appearance on behalf of the complainant and filed his vakalatnama in Court, besides, the affidavit of complainant to submit that the affidavit dated 26.05.2024 had been executed voluntarily without any pressure or coercion and that the petitioner was not involved in the alleged occurrence. The same is taken on record.

6. Adjourned to 17.07.2024.



7. Let the reply/status report be filed well before the date fixed with an advance copy to the counsel opposite with specific reference to the affidavit given by the complainant dated 26.05.2024 and also the action taken on the representation dated 22.03.2024 (Annexure P-7).

8. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. . ”

7. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 28.05.2024 passed by this Court, interim bail granted vide order dated 28.05.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. The petition stands allowed.

9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

17.07.2024

S.Sharma(syr)

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No