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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-28680-2024

DATE OF DECISION: 03.07.2024

AMIT @ SHANKER

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Sharmila Sharma, Advocate for the petitioner(s).

Mr. S.S. Pannu, Addl. A.G, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.0077 dated 16.03.2024 registered under Sections 294/308/323/34/506 IPC at Police Station Murthal, District Sonipat.

2. Learned counsel for the petitioner submits that on plain reading of the allegations as narrated in the FIR, offence under Section 308 is not made out in as much as per Medico Legal Report, no such injury can be termed to have been pointed out. The another aspect which has been argued by counsel for the petitioner is that the parties have entered into a compromise on 26.03.2024 i.e. Annexure P-7 and on the basis of which petition for quashing of the FIR has already been preferred where notice of motion has been issued for 10.09.2024.

3. Notice of motion.

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4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions opposes the prayer for grant of bail but could not produce any incriminating evidence connecting the petitioner with the alleged incident. He is not in a position to controvert the submissions made by counsel for the petitioner. He could not point out any injury attracting Section 308 IPC but has asserted that the petitioner is involved in other FIR including Section 302 IPC as has also been observed by the Trial Court while declining the concession of anticipatory bail.

5. Be that as it may, having regard to the fact that no incriminating evidence is coming forth during the course of hearing to make out a case of an offence under Section 308 qua the present petitioner and the fact with regard to the compromise entered into between the parties is not disputed at this stage by State Counsel.

6. As far as pendency of other case against the petitioner is concerned, the evidence and the material in those FIR pertaining the specific offences involved therein cannot be a matter of evidence to deny the bail to the petitioner and for the purpose of awarding conviction during the course of the trial. Even otherwise this Court is not considering the quashing of the FIR but only dealing petition for anticipatory bail at this stage.

7. After having heard learned counsel for the parties, this Court finds no reason to deny the petitioner the concession of bail if



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the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

8. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

9. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

10. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

03.07.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No