



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(209/2)

CRM-M-33425-2024
DATE OF DECISION: 27.08.2024

Prem Kumar and anotherPetitioners

VERSUS

State of HaryanaRespondent

CORAM HON’BLE MR.JUSTICE KULDEEP TIWARI

Present Mr.Himanshu Sharma, Advocate,
for the petitioner.

Mr. Bhupinder Singh, DAG, Haryana.

Mr. A.K.Garg, Advocate,
for complainant.

KULDEEP TIWARI, J (ORAL)

1. On 16.07.2024, this Court had passed the hereinafter extracted order,
upon the instant petition:-

- “ 1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners seek the concession of anticipatory bail, in case FIR No.131 dated 18.03.2024, under Sections 148, 149, 323, 506 of the IPC (Section 307 of the IPC added subsequently), registered at P.S. City Narnaul, District Mahendergarh.
2. The learned counsel for the petitioners submits that, insofar as petitioner No.1-Prem Kumar is concerned, no injury has been attributed to him and he is on a co-equal pedestal to his co-accused Laxmi Devi and others, who have already been granted the relief of interim anticipatory bail by this Court, vide order dated 05.07.2024, drawn upon CRM-M31725-2024.
3. The learned counsel for the petitioners further submits that, insofar as petitioner No.2- Dharmpal Saini is concerned, although he is alleged to have caused injury to the



complainant with a stick blow, however, the said injury was subsequently declared “simple in nature”.

4. At this stage, Mr. Anil Kumar Garg, Advocate, records his appearance on behalf of the complainant, under a validly executed Vakalatnama, instituted before this Court today. He opposes the grant of anticipatory bail to the petitioners, on the ground that, they have caused simple and grievous injuries to the complainant and injured.

*5. What emanates from the record available before this Court is that, petitioner No.2- Dharmpal Saini caused head injury to one Lal Chand, which was subsequently declared “dangerous to life” and it accordingly attracted the penal provision of Section 307 of the IPC. Therefore, this Court is not inclined to grant the extraordinary relief of anticipatory bail to petitioner No.2- Dharmpal Saini and the instant petition qua him is **dismissed**.*

6. However, insofar as petitioner No.1- Prem Kumar is concerned, since he is on a co-equal pedestal as his co-accused (supra), therefore, he deserves an alike relief as granted to them.

7. Notice of motion for 27.08.2024.

8. Mr. Rajesh Gaur, Addl. A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

9. In the meantime, the petitioner No.1- Prem Kumar 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 him furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. Moreover, he shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

10. To be heard with CRM-M-31725-2024 ”.

2. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioners had joined investigation and they are no longer required for further custodial interrogation.



3. In view of the above, the hereinabove extracted interim order dated 16.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioners shall not commit an offence similar to the present offence;
- (ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioners shall make themselves available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

27.08.2024
mamta

(KULDEEP TIWARI)
JUDGE

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