



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-33037-2024(O&M)
Date of Decision: 30.08.2024

GURMAIL SINGH ALIAS BABBUPetitioner
VERSUS
STATE OF HARYANARespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Lakhwinder Singh, Advocate for the petitioner.
(through video conferencing mode)

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
424	25.06.2024	P.S. Rania District Sirsa	147, 148, 149, 307, 323, 324, 341, 506 of IPC and Section 25 of Arms Act

2. Vide order dated 12.07.2024 passed by this Court, the petitioner
was released on interim bail and was directed to join investigation. Order
dated 12.07.2024 is reproduced as under:-

*“This petition has been filed under Section 438 Cr.P.C. for
grant of anticipatory bail to the petitioner in case of FIR No.
424 dated 25.06.2024, registered under Sections 147, 148, 149,
307, 323, 324, 341, 506 IPC and Section 25 of Arms Act at P.S.
Rania, District Sirsa.*



Learned counsel for the petitioner contends that no specific role has been attributed to the petitioner in the present FIR and even as such there is no injury caused by him on the person of the complainant or any other person. It is further argued by him that the petitioner was not armed with any weapon whatsoever and therefore, offence under Section 307 qua him is not attracted as well as Sections 323/324/341/506 IPC and Sections 25 of Arms Act.

Notice of motion.

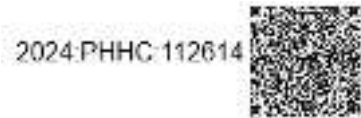
On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and submits that it is a case listed before this Court late in the day after distribution list was circulated by the Registry, therefore, he has not received the file of the petition.

On his request, adjourned to 01.08.2024.

However, in the meantime, the petitioner is directed to be released on interim bail in case he join the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also be present as and when called upon and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C”

It is further stated by learned counsel for the petitioner that as the petitioner's mobile phone was switched off and therefore, the petitioner had not joined the investigation, a request was again made for granting one more opportunity to him for joining the investigation vide order dated 01.08.2024 which is reproduced as under:-

“Keeping in view the interest of justice, one more opportunity is granted to the petitioner to join the investigation subject to his surrender before the Investigating Officer/Arresting Officer within a period of three days from today and further subject to



compliance of conditions as mentioned in the previous order dated 12.07.2024.'

3. Learned State counsel has not filed status report. But it is submitted by learned State counsel on instructions from the investigating officer that the petitioner had joined the investigation on 28.08.2024. No recovery has been effected from the petitioner. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the orders dated 12.07.2024 & 01.08.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

30.08.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |