



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

**CRM-M-33312-2024
Date of Decision : 21.08.2024**

SHEKHAR KUMAR

.....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ravikant Beniwal, Advocate for
Mr. Baljeet Beniwal, Advocate,
for the petitioner(s).

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. On 25.07.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petition filed under Section 438 Cr.P.C. the petitioner prays for grant of anticipatory bail in case FIR No.511 dated 11.12.2023, under Sections 148, 149, 323, 307 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Chandhut, District Palwal (Later on Sections 325 and 506 of IPC were added).

Learned counsel for the petitioner in the asking for the relief (supra) submits that the injury attributed to the present petitioner is simple in nature. He further submits that he has clean antecedents. In order to substantiate his arguments, he drew the attention of this Court to the statement of injured-victim, which subsequently become the basis of registration of the instant FIR. He also submits that infact it is alleged that the present petitioner has hit on the head of one Rajesh Kumar and thereupon he also drew the attention towards the MLR of Ranjit Singh, according to which injuries are simple in nature. He in addition submits that during the investigation, the complainant improved his version and submits that infact he in order to ward off the attack, he raised his hand to

save himself, which resulted into an injury on his hand and this injury on hand is declared as grievous in nature. While referring to the above change of version, he over and above submits that it is a clear cut case of concoction and the subsequent statement was recorded with pre-meditation.

Status report has also been filed by the learned State counsel, which is taken on record. The MLR attached with the status report clearly reflects that there is no fracture on the head of the victim, rather the injury on head was declared as grievous in nature and not dangerous to life.

In view of the above, the petitioner 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 his furnishing bail bond to the satisfaction of the Arrest/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 21.8.2024.”

2. Today, the learned State counsel has, on instructions imparted to him by Insp. Manoj Kumar, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and has fully co-operated with the investigating agency, and has also got recovered the weapon of offence, therefore, he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 25.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself 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.

August 21, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

:

Yes/No