

208 (3rd case)IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36024-2023 (O&M)

Date of decision: 08.02.2024

Yatinder Kaushik @ Sonu @ Yaatender Kaushik

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Vishal Singh, Advocate, and
Mr. Sarfaraz Gill, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No. 273 dated 01.09.2022 registered under Sections 148, 149, 323, 324, 506 Indian Penal Code (for short 'IPC') and Section 25 of the Arms Act, 1959 (Section 201, 325 & 307 IPC added later on), at Police Station, Ballabgarh Sadar, District Faridabad, Haryana.

(2) Allegations against the petitioner is that he fired gun shot at the complainant, which hit at her leg.

(3) This Court, on 02.08.2023, granted interim bail to the petitioner and operative part of which reads as under:-

“Contends that from the petitioners side also 7 persons

received injuries and on that count separate case bearing FIR No. 275 dated 01.09.2022 has been registered under Sections 148, 149, 323, 506, 324 IPC and Section 25 of the Arms Act, 1959, at Police Station, Ballabgarh Sadar, District Faridabad (P-4 in CRM-M-35264-2023).

Learned counsel for the complainant seeks time to go through the contents of the MLRs.

Posted for 04.09.2023.

In the meanwhile, petitioners shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioners shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.

Copy of this order be placed on the connected case.”

(4) Learned Counsel, submits that in pursuance of the aforementioned order, petitioner has already joined the investigation and his custodial interrogation is not required. In fact, it is a case of version and cross version.

(5) Learned State Counsel, on instructions from ASI Pritam Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) On the other hand, learned Counsel for the complainant vehemently opposed the prayer of petitioner. Since learned State Counsel is not asking for custodial interrogation of petitioner, therefore, the objection raised by learned Counsel for the complainant is rejected.

(7) In view of above, interim order dated 02.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that the petitioner shall fully co-operate

with the Investigating Officer as and when called for further investigation.

(9) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(10) It is made clear that in case of any recurrence on the part of the petitioner, the State of Haryana would be at liberty to move an application for recalling of this order.

(11) Disposed off accordingly.

(12) Pending application(s), if any, shall also stand disposed off.

08.02.2024

(MAHABIR SINGH SINDHU)

Satyawan

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No