

2024-PHHC-123282



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36490-2024
Date of Decision : 18.09.2024

RANA
.....Petitioner(s)
VERSUS
STATE OF HARYANA
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sajan, Advocate for
Mr. Rajesh Goyal, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. On 31.07.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.188, dated 26.03.2024, under Sections 148, 149, 323, 324, 341, 452, 506, 216 of IPC (Sections 325/326 IPC and Section 25(1-B-A) Arms Act, added later on), registered at Police Station Samalkha, Panipat.

Learned counsel for the petitioner submits that the injury which is attributed to the present petitioner does not attract the provisions of Section 326 IPC, in fact this injury is attributed to the other coaccused.

Notice of motion.

Mr. Rajesh Gaur, Addl.A.G., Haryana, accepts notice on behalf of respondent-State, and waives service. The State is directed to file a reply to the instant petition disclosing therein, whether, the injury attributed to the petitioner attracts the provisions of Section 306 IPC, or not.

Adjourned to 18.09.2024.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do

so, and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

2. Mr. Jagtej Singh Kang, Advocate, has caused appearance on behalf of the complainant, through a validly executed power of attorney in his favour. The same is taken on record.

3. Today, the learned State counsel has filed a reply, dated 17.09.2024, by way of an affidavit of Sh.Narender Singh, DSP, Samalkha, District Panipat, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

4. He further submits, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

5. In view of the above, the hereinabove extracted interim order dated 31.07.2024, 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.”

6. 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.

7. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.
8. All pending application(s),if any, stand **disposed** of accordingly.

September 18, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No