

2024:PHHC:026034

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204 CRM-M-39299-2023
Date of Decision : February 26, 2024

GURSEWAK @ SEWAKPetitioner

VERSUS

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. J.K.Sehrawat, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. S.K.Kaushik, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On 5.10.2023, a Co-ordinate Bench of this Court, has passed
the following order was passed:-

“CRM-41290-2023

*This is an application for placing on record
additional affidavit of the petitioner pursuant to order
dated 14.09.2023.*

Notice of the application.

*Ms. Ambika Sood, Addl. A.G. Haryana and Mr.
S.K. Kaushik, Advocate, accept notice.*

*For the reasons mentioned in the application
supported by affidavit, same is allowed. Additional
affidavit of the petitioner is taken on record, subject to
all just exceptions. Registry to tag the same at
appropriate place.*

CRM stands disposed of.

CRM-M-39299-2023

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.103, dated 26.07.2023 under Sections 186, 332, 333, 353, 34 and 506 IPC, registered at Police Station GRP, Hisar, District GRP Ambala.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He argues that there is unexplained delay of more than 07 hours in lodging the FIR after the alleged occurrence at 03.25 p.m. The complainant is alleged to have suffered grievous injuries, but instead of promptly rushing for first aid/medical help, reached the hospital at 09.47 p.m., as recorded in the MLR. The present FIR has been registered thereafter.

On advance notice, respondent-State has filed the status report opposing the present petition. It is submitted that the petitioner is involved in 10 other cases besides another case of similar nature wherein despite having been granted interim bail, he has not joined investigation.

The complainant has put in appearance through counsel and has opposed the bail in similar lines.

Learned counsel for the petitioner refers to the additional affidavit filed by the petitioner to submit that the petitioner has been acquitted in 06 cases implicating him and he has been granted the concession of bail in the cases in which he is under trial. It is pointed out that order dated 09.08.2023 (Annexure P-4) whereby the petitioner was granted interim bail was passed after registration of the present case. The petitioner is ready to join investigation and cooperate with the investigating agency.

List on 13.12.2023.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by ESI Virender Kumar, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation, as the weapon of offence, as allegedly used by the present petitioner has been recovered.

3. Learned counsel for the complainant submits that the petitioner is a habitual offender and is involved in 9 other cases.

4. Learned counsel for the petitioner draws the attention of this Court to the status report filed by the State, wherein, it is disclosed that out of said 9 cases, the petitioner has already earned acquittal in six cases.

5. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 5.10.2023 is, hereby, made absolute.

(KULDEEP TIWARI)
JUDGE

February 26, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No