

208(4th case)IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44624-2023 (O&M)

Date of decision: 08.02.2024

Shiva @ Vishal

...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 a shot upon complainant's brother-in-law Sunil, who saved himself by banding down.

(3) This Court, on 06.09.2023, granted interim bail to the petitioner and operative part of which reads as under:-

“Contends that this is a case of version and cross-

version. Also contends that co-accused have already been granted the concession of interim bail by this Court.

Notice of motion.

On asking of the Court, Mr. Ravish Kaushik, Addl. A.G., Haryana accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 18.09.2023.

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

To be heard along with CRM-M-35264-2023 along with other connected cases.”

(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 06.09.2023 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