

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-53777-2023

Date of decision: 30.01.2024

Rohit Bhadana

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rohit Rana, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioner.

Ms. Jasleen Chahal, AAG, Haryana.

Ms. Kulwinder Kaur, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.678 dated 26.08.2023 under Sections 148, 149, 323, 324, 379-B, 452, 506 of the IPC (Section 379-B of the IPC deleted and Section 326 of the IPC added lateron), registered at Police Station Surajkund, District Faridabad.

2. On 20.10.2023, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner submitted that it is a case of version and cross-version but the police did not register the FIR on the complaint of the petitioner party despite the fact that number of injuries were suffered by the petitioner and has referred to Annexure P-2 in this

regard. He further submitted that later on even Section 379-B of the IPC was deleted and Section 326 of the IPC was added.”

3. Learned counsel for the petitioner submits that in compliance of order dated 20.10.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from SI Pardeep Kumar, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. She, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. On a pointed query put to the learned State counsel as to what was the seat of injuries, she on instructions, has submitted that the petitioner inflicted injuries with a stick on the fingers and hands of the complainant. It has also not been disputed by the learned State counsel that no specific attribution was there with respect to the injuries inflicted by the petitioner.

6. Learned counsel appearing for the complainant has opposed the prayer made by the counsel opposite for extending the concession of anticipatory bail to the petitioner. It has been submitted that no doubt the injuries inflicted were on non-vital part of the body of the injured, however, the mode and manner in which the injuries were inflicted with a stick could not be ignored.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Once the petitioner has joined investigation and cooperated

with the investigating agency, this Court does not deem it fit to order the custodial interrogation of the petitioner.

9. In view of the above, the petition is allowed and interim order dated 20.10.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

30.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No