

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-57675-2023
Date of decision: 11.03.2024

DEEP CHAND
STATE OF HARYANA
V/s
....PETITIONER
....RESPONDENT

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Viney Saini, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. N.S. Dhillon, Advocate
for the complainant.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.0440 dated 11.10.2023, registered for the offences punishable under Sections 148, 149, 323, 341, 354, 354-D, 427, 506 of IPC at Police Station Ladwa, District Kurukshetra.
2. On 12.12.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in FIR No.0440 dated 11.10.2023 under Sections 148, 149, 323, 341, 354, 354D, 427, 506 of the Indian Penal Code, 1860 (IPC) registered at Police Station Ladwa, District Kurukshetra.
Learned counsel for the petitioner would contend that this is a case of version and cross version and that one of the co-accused, namely, Jai Singh, also got registered FIR No.461 dated 24.10.2023 under Sections 148, 149, 323, 325 IPC at Police Station Ladwa. The learned counsel would further contend that one of the co-accused in the present case suffered a fracture whereas the injuries received by the complainant and two other people are simple injuries.
Notice of motion.
Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent-State of Haryana. Mr. N.S. Dhillon,

Advocate has put in appearance on behalf of the complainant.

Learned counsel for the State, on instructions from HC-Suman, has submitted that the present is a case of version and cross-version. However, it has been pointed out that in the cross-version case the FIR by one of the co-accused was lodged on 24.10.2023, though the incident is of 09.10.2023. However, the MLR appended with the present petition as Annexure P-2, reveals that it is the same incident which occurred on 09.10.2023.

List on 11.03.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned State counsel, on instructions from ASI Suman, has stated that pursuant to the order dated 12.12.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail arguing that allegation made against the petitioner are serious in nature and he ought not be extended the concession of anticipatory bail.

5. In view of above, the present petition is allowed and interim order dated 12.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner 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. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not

be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

March 11, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No