

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-60745-2022 (O&M)
Date of decision: 02.04.2024

PURAN AND OTHERS
....PETITIONERS

VERSUS

STATE OF HARYANA
....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Deepender Singh, Advocate for the petitioners.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioners seek anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
813	29.10.2022	147, 148, 149, 307, 323 and 506 of IPC and Section 325 of IPC added later on.	Hansi City, District Hansi (Haryana).

2. Learned counsel for the petitioner submits that in compliance to the order dated 15.03.2023 passed by this Court, the petitioners has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 15.03.2023.

3. Learned State counsel, on instructions from ASI Anil Kumar, intimates that the petitioners had joined the investigation in the case and are no more required for any custodial investigation in this case nor they

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are required for further investigation.

4. During the course of hearing on 15.03.2023, following order was passed:

“The counsel for the petitioner(s) submits that vide order dated 26.12.2022 the Coordinate Bench of this Court granted interim protection to petitioners No.1 to 4 while directing them to join investigation but qua petitioner No.5 no such order was passed. The counsel for the petitioners submits that the injuries attributed to the petitioners are found to be simple in nature and police has deleted offence under Section 307 IPC. So prayer is made that interim protection be also provided to petitioner No.5.

The State counsel on instructions from SI Pawan Kumar submits that admittedly offence under Section 307 IPC has been deleted but offence under Section 326 IPC is added and said injury is not attributed to petitioner No.5-Phool Singh. The State counsel further apprised the Court that petitioners No.1 to 4 have already joined investigation with the police.

In the light of the above, in case of arrest, petitioner No.5- Phool Singh is directed to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioner should join investigation with the police well in time before the next date of hearing and to abide by the conditions envisaged under Section 438 (2) Cr.P.C.

The report of the Investigating Officer be also called in this context on the next date of hearing.

*Now be listed on **1.5.2023**, the date earlier fixed in the main case.”*

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioners had already

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joined the investigation and are no more required for further investigation nor they are required for any custodial interrogation, interim bail granted vide order dated 15.03.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioners are directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 6. The petition stands allowed.
- 7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.
- 8. Pending application(s), if any, also stand disposed of.

(SANJIV BERRY)
JUDGE

02.04.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |