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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.61325 of 2023 (O&M)

Date of decision : 05.02.2024

Gurnandan Singh

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Kartar Singh, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 On 06.12.2023 the following order was passed:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.350 dated 13.08.2023, under Sections 323, 324, 341, 506, 34 IPC (Section 326 IPC added later on), registered at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner has argued that the occurrence took place on 12.08.2023 at about 7.30 PM in which the petitioner had suffered multiple injuries. The MLR was conducted on the same day i.e. 12.08.2023. It is further submitted that the petitioner has been falsely implicated in the present case, which is a counter blast to the FIR registered at the instance of the present petitioner. It is submitted that complainant in the present case got his medical conducted on the following day of the alleged occurrence i.e. on 13.08.2023, which is after the medico legal examination of the petitioner. Moreover, as per MLR of the complainant, he suffered 04 injuries, out of which 03 were with sharp edged weapon and one of them was declared to be grievous. It is, however, also stated in the said medical opinion that possibility of injuries No.1 to 4 could have been caused by slip/fall or by self infliction and the same cannot be ruled out. It would be a matter of the trial that who is the aggressor party. The petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Ms. Ambika Sood, Addl. A.G. Haryana, accepts notice on behalf of the respondent-State and waives service. She prays for time to file reply/status report.

List on 05.02.2024.

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 Learned State counsel on instructions from ASI Satyawar has stated that pursuant to the order dated 06.12.2023 the petitioner has joined investigation and is no longer required for custodial interrogation. Status report by way of an affidavit of Ajaib Singh, HPS, Deputy Superintendent of Police, Ellenabad, Sirsa on behalf of respondent has been filed. The same is taken on record.

3 In view of above, the interim order dated 06.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4 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.

5 This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

6 The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

7 It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

8 Petition stands disposed off.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

05.02.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No