

263-1
CRA-S-1462-2022

2025.02.11 18:02



-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-1462-2022
Date of decision: 06.02.2025

RAJBEER ALIAS RAJBIR ALIAS BHAL SINGHPetitioner

Versus

STATE OF HARYANARespondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. J.S. Ghumman, Advocate for the petitioner.
Mr. Vipul Sherwal, AAG Haryana.
Mr. Sandeep Kashyap, Advocate for
Mr. Jitender K. Sehrawat, Advocate for the complainant.

.....

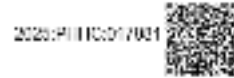
SANJIV BERRY, J. (ORAL)

Learned counsel for the petitioner has placed on record the copy of the order dated 31.08.2022 passed by learned Additional Sessions Judge, Hisar to submit that in compliance of the order dated 17.08.2022, passed by this Court, the petitioner has put in appearance before the learned Trial Court and furnished the requisite bail bonds/surety bonds. This fact is not disputed by learned State counsel and learned counsel appearing for the complainant.

2. However, learned counsel for the complainant submits that the matter in question pertains to the offence under Section 302 IPC and hence, the petitioner does not deserve the concession of bail.

3. During course of proceedings, following order was passed on 17.08.2022:

“ Present appeal has been filed by the appellant against the impugned order dated 21.7.2022 whereby the application moved by the appellant under Section 438 Cr.P.C. for grant of



anticipatory bail to him in criminal case having FIR No.293 dated 1.8.2020 registered under Sections 148, 149, 302, 452, 506 IPC (Sections 232, 323, 325 IPC and Sections 3, 3(2)(v) and 3(1)(s) of SC/ST Act added later on) at Police Station Adampur, District Hisar was dismissed.

Counsel for the appellant submits that the appellant was named in the FIR but during the investigation, he was found innocent and thus, not challaned by the police and now summoned by the trial Court under Section 319 Cr.P.C. He further submits that the appellant himself belongs to Scheduled Caste and copy of the concerned certificate is Annexure A-5 and thus, the provisions of SC/ST Act are not applicable to him. He further contends that no specific injury has been attributed to the appellant.

Notice of motion.

Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of the State and on instructions from HC Sanjay has not disputed the fact that during the investigation, the appellant was found innocent and is now summoned as additional accused by the trial Court under Section 319 Cr.P.C. and that no specific injury is ascribed to the appellant.

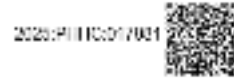
In view of above, the appellant is hereby directed to appear before the trial Court on or before the next date fixed and on his appearance, the appellant is directed to be released on interim bail by the said Court to its own satisfaction till the next date fixed in the present petition.

Now be listed on 24.11.2022."

4. In compliance to this order, the petitioner has already put in appearance before the learned Trial Court and furnished the requisite bail bonds/surety bonds.

5. Admittedly, the petitioner was although named in the FIR but after completion of the investigation, he was not challaned by the police. Subsequently, on an application filed under Section 319 Cr.P.C., the petitioner was summoned to face trial.

6. As stated above, the petitioner has already put in appearance before the learned Trial Court on 31.08.2022 and has been granted



concession of interim bail. Admittedly, the petitioner is regularly appearing before the learned Trial Court.

7. Since, the petitioner had been declared innocent during investigation and was not challaned by the police and further he has been summoned only in pursuance to the application filed under Section 319 Cr.P.C. for his interrogation, at this stage when the trial is already headway and the petitioner is already facing the trial, in these circumstances, keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 17.08.2022 passed by this Court, interim bail granted vide order dated 17.08.2022 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of BNSS. Further the petitioner is 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; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. The petition stands allowed.

9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

06.02.2025

puneet

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