



CRM-M-33638-2024

-1-

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33638-2024

Date of decision: 08.01.2025

SATYPAL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Nitish Yadav, Advocate for the complainant.

SANJAY VASHISTH, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner – Satypal, who has been booked for having committed the offence punishable under Sections 328 of IPC, in FIR No. 064, dated 24.06.2024, registered at Police Station Rohadai, District Rewari.

2. Learned counsel for the petitioner submits that in compliance of the order dated 17.07.2024, the petitioner has joined investigation and has fully cooperated and nothing is required to be recovered from the petitioner.

3. Continuation the submissions, learned counsel for the petitioner further submits that as per the contents of the FIR, the water was neither consumed by anybody including the complainant and therefore, alleged act cannot even be said to making an attempt to commit the offence punishable under Section 328 of IPC. Alleged facts would require corroborative evidence to support the allegation, during the course of trial.

**CRM-M-33638-2024****-2-**

submissions addressed by the counsel for the petitioner, though opposes the prayer of bail.

5. I have heard learned counsel for the parties and perused the record.

6. It is clear that as per the FIR, there is no allegation that the water was ever consumed by anybody or even by the complainant. Therefore, at this stage, examining the question of attempting to cause hurt is also debatable. Petitioner is residing in the neighbourhood of the complainant. So the custodial interrogation may deteriorate the situation between the co-villagers, who reside in the neighbourhood of each other.

7. Since the petitioner has joined the investigation and his custodial interrogation is also not even asked, the present petition is allowed and the ad-interim order dated 17.07.2024, whereby interim anticipatory bail was granted, is hereby made absolute.

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

08.01.2025

*renubala***(SANJAY VASHISTH)
JUDGE**

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