

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

CRM-M No.41961 of 2014

Date of Decision:20.02.2015

Lakhvinder @ Chhote

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

Present: Mr.Bijender Dhankhar, Advocate, for the petitioner.

Mr.Naveen Sheoran, Deputy Advocate General,
Haryana, for the respondent-State.

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against him along with his other co-accused, vide FIR No.334 dated 30.08.2011, on accusation of having committed the offences punishable under Sections 148, 323, 506, 307/149 IPC, by the police of Police Station Sadar Palwal.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and deep consideration of the entire matter, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. As is evident from the record that, the only role assigned to the petitioner by the prosecution is that he fired the shot, which hit on the vehicle of the complainant. No other specific role or particular injury is attributed to him. Moreover, during the course of preliminary hearing, interim bail was granted, to enable the petitioner to join the investigation,

by means of order dated February 02, 2015 by this Court.

5. At this stage, on instructions from HC Vinod Kumar, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Even, since the prosecution has not yet submitted the final police report(challan) against the petitioner, so, the conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of order dated February 02, 2015 by this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail in this Court.

February 20, 2015
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(MEHINDER SINGH SULLAR)
JUDGE