

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-4431 of 2015 (O&M)

Date of Decision: 08.05.2015.

Ashish Kumar

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.P.S. Sidhu, Advocate for the petitioner.

Mr. M.S. Sidhu, Addl. A.G., Haryana.

Mr. R.S. Mamli, Advocate for the
complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case F.I.R. No. 1622 dated 18.12.2014 under sections 365, 327, 465, 467, 471, 506, 120-B I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, City Panipat.

On 10.2.2015, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioner has submitted that the petitioner has been falsely involved in this case due to enmity between his wife and the local M.L.A.

Notice of motion for 08.05.2015.

In the meantime, in the event of arrest, petitioner be admitted to interim bail subject to the satisfaction of the Arresting Officer. He shall abide by the conditions envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

It may be noticed that the F.I.R in question was registered on the statement of Vikrant Malik, who had stated that in an occurrence that took place on 27.9.2014 he was assaulted and caused injuries by Sandeep, Sonu, Amarjit and three other persons at B.B.M.B Colony, Panipat and accordingly F.I.R No.957 dated 27.9.2014 was registered in Police Station, Chandni Bagh. Investigation of such case was stated to be conducted by ASI Ranbir Singh. Allegations are that pertaining to such F.I.R No.957, Incharge of Police Post, Sector 29, Panipat namely Muneesh Kumari i.e. wife of the present petitioner had summoned the complainant Vikrant Malik and had demanded money. Accordingly, Vikrant Malik had given a complaint on 12.11.2014 to the S.S.P., Panipat and Muneesh Kumari was placed under suspension. Further allegations are that Muneesh Kumari along with her husband (present petitioner) started exerting pressure upon the complainant to compromise the matter. As per complainant's version, he was also forcibly taken to hotel Sky Lark and made to sign certain stamp papers to the effect that Amarjit and Sonu i.e. accused in F.I.R No.957 dated 27.09.2014 were not involved in the occurrence that took place on the same very date i.e. 27.9.2014.

Learned State counsel upon instructions from Dy.S.P. Om Parkash, State Crime Branch, Madhuban, has apprised the Court that the petitioner has since joined investigation. It also stands uncontroverted that Muneesh Kumari i.e. wife of the petitioner and who was stated to be Incharge of Police Post at the relevant point of time was arrested and has subsequently been granted the benefit of regular bail.

In the totality of circumstances, the petitioner having already joined investigation, this Court is of the considered view that the petitioner

is entitled to concession of pre-arrest bail.

Accordingly, the present petition is allowed. Order dated 10.2.2015, passed by this Court, is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

May 08, 2015
lucky