

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17376-2016

Date of Decision: September 8, 2016

Rawat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Parmod Parmar, Advocate,
for the petitioner.

Mr. Kuldip Tiwari, Addl. AG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 15 dated 10.01.2016, registered under Sections 148, 307, 323, 325, 427, 452 and 506 read with Section 149 IPC; Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989; and Section 25 of the Arms Act, at Police Station Bilaspur, District Gurgaon.

On 27.05.2016 the following order was passed:-

“ The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.15 dated 10.01.2016, under Sections 148, 149, 323, 325, 506, 452, 427, 307 of Indian Penal Code and Sections 3-33-89 of Scheduled Castes and Scheduled Tribes Act and Section 25-54-59 of Arms Act, registered at Police Station

Bilaspur, District Gurgaon, Haryana.

FIR came to be registered on the statement of Tulsidas son of Maan Singh. Complainant asserted that on 10.01.2016, he had gone to a liquor shop to purchase liquor and out there arguments ensued with the salesman and who had abused him. Complainant is stated to have come back to his room which has been taken on rent. Allegations are that after some time, the same very salesman along with 10-15 boys had come armed with sticks and country made pistols and thereafter assaulted the complainant as also other tenants. Apart from the complainant, Ramesh, Shish Pal and Ashok are stated to have received injuries. Even derogatory remarks against the caste of the complainant are stated to have been uttered.

Counsel would contend that the name of the petitioner does not figure in the FIR and he has been falsely implicated.

It is submitted that the during the course of investigation, the salesman at the liquor shop has been identified by the Investigating Agency as Chattar Singh and from whom recovery of a country made pistol was effected. The present petitioner is sought to be implicated on the disclosure statement of a co-accused.

Counsel has also adverted to the statement of the injured placed on record at Annexure P-3 (colly.) in which none of them have named the present petitioner.

Notice of motion, returnable for 08.09.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned Additional Advocate General on instructions from ASI Ishwar Singh has stated that the petitioner has joined the investigation and he is no more required for custodial interrogation.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case. Ordered accordingly.

Resultantly, the interim order dated 27.05.2016 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Petition stands allowed.

(AJAY TEWARI)
JUDGE

September 8, 2016
Pkapoor

Whether Speaking/Reasoned:	YES / NO
Whether Reportable:	YES / NO