

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-43595 of 2015 (O&M)

Date of Decision: 11.05.2016

Varun Verma

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Rajesh Bhardwaj, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

Mr. Jamshed Ahmed, 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 the grant of anticipatory bail to the petitioner in case F.I.R. No.774 dated 24.11.2015 under sections 323, 325, 506, 34 I.P.C, registered at Police Station, Sector 5, Gurgaon.

On 23.12.2015, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioner submits that the present FIR is the counter blast to earlier litigation of sister of the petitioner and the complainant. All offences are bailable except offence under Section 506 IPC. The petitioner is ready to join investigation.

Notice of motion for 25.02.2016.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available

for interrogation before investigating officer as and when required;

(ii)that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii)that the petitioner shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from H.C Pawan Kumar would apprise the Court that the petitioner has since joined investigation. However, he would submit that the baseball bat which was used in the alleged occurrence as per version of the complainant, has not been recovered till date.

In a case where the accused/petitioner is denying the complainant's version, non-recovery of the baseball bat in itself would not be a ground to deny to him the concession of anticipatory bail.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 23.12.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.05.2016
lucky