

Criminal Misc. M- No. 39274 of 2016 (O&M)

Date of decision : January 27, 2017

Sanwal Dass @ Samal Dass and others

.....Petitioners

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Vikram Singh, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Deepak Chaudhary, Advocate
for the complainant.

LISA GILL, J.

The petitioner prays for concession of anticipatory bail in FIR No. 601 dated 10.09.2016 registered under Sections 379-B, 148, 149, 323, 354, 452, 506 Indian Penal Code (for short 'IPC') at Police Station Sadar Palwal, District Palwal.

It is submitted that during investigation, the offences punishable under Sections 379-B, 354 IPC were deleted and Section 325 IPC was added. Learned counsel for the petitioner submits that earlier FIR No. 160 dated 08.09.2016 was registered at the behest of petitioner No. 1 against the complainant. Present FIR No. 601 dated 10.09.2016 is merely a counter blast to this FIR. It is stated that the petitioners have joined investigation pursuant to order dated 04.11.2016. No recoveries are to be effected from them. The petitioners further undertake not to misuse the

concession, if granted to them. They also undertake not to contact or influence the complainant in any manner whatsoever. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Ranvir Singh, Police Station Sadar Palwal, submits that the petitioners have joined investigation and necessary recoveries have been effected from them. Their custodial interrogation is not required.

Learned counsel for the complainant on the last date of hearing i.e. 16.01.2017 had submitted that the petitioners tried to intimidate the complainant and a CCTV footage was available with him. It was directed by this Court that the said CCTV footage be handed over to the concerned investigating officer.

Status report by way of affidavit of Sh. Ranvir Singh, ASI No. 676/Spt. has been filed in Court today. The same is taken on record subject to just exceptions.

Learned counsel for the State informs that the matter has been looked into by the investigating officer, who has reported that the CCTV footage shows petitioner No. 1 and his son Pawan carrying a stick (danda) while going towards their own house at 9.04 p.m. The said recording also reveals that after about two minutes at 9.06 p.m. itself, both of them left their residence. They are not seen in any threatening postures. The matter was investigated and the statements of the residents of the area were recorded. It was revealed that no untoward incident had taken place on 13.01.2017. The house of the petitioners and the complainant are adjacent to each other. It is submitted that the complainant or their family members were not threatened in any manner.

I have heard learned counsel for the parties.

There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of the controversy, it is considered just and expedient to allow this petition. In view of the above, order dated 04.11.2016 is made absolute.

However, it is made clear that in case the petitioners' misuse the concession of anticipatory bail, the complainant shall be at liberty to move for cancellation of their bail.

January 27, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No