

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 202

CRM-M-40523-2016

Decided on : 22.03.2017

Krishan Kumar

..... Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. J. P. Jangu, Advocate, for the petitioner(s).

Mr. Manish Bansal, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr. P. C., the petitioner seeks the concession of anticipatory bail in FIR No. 230, dated 13.09.2016, registered under Sections 323, 324, 294, 506 and 34 IPC, at Police Station Khol, District Rewari.

Vide order dated 15.11.2016, while issuing notice of motion, this Court had ordered that in the event of arrest, the petitioner shall be admitted to ad-interim anticipatory bail to the satisfaction of the arresting officer and shall abide by the terms & conditions laid down under Section 482(2) Cr. P. C.

Seeking anticipatory bail for the petitioner, learned counsel submits that the petitioner has been falsely implicated in the present case for the reason that the petitioner's father had been inflicted injuries by the complainant for which he had got lodged an FIR against the complainant; as a counter-blast the present FIR has been registered against the petitioner; even if the FIR is taken to be a gospel truth, which the petitioner does not admit, only a simple injury is attributed to the petitioner; no other criminal case is pending against him; under the interim orders passed by this

Court, he has repeatedly joined investigation and further undertakes to join investigation as and when so required.

Learned State counsel opposes the grant of anticipatory bail to the petitioner on the ground that the recovery of the weapon is still to be made from the petitioner.

In view of the cross-cases between the parties, as above, whether the petitioner has been falsely implicated, is debatable. It is not disputed that the petitioner has repeatedly joined investigation; there is no other criminal case pending against him and that the petitioner has only been attributed a simply injury.

In view of the above, the present petition is allowed and the order dated 15.11.2016, granting interim anticipatory bail to the petitioner is ordered to be made absolute subject to the conditions prescribed under Section 438(2) Cr. P. C.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

During the period that the bail is granted to the petitioner, if he is found indulging in any criminal/illegal activity or misusing the concession of bail granted by this Court, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioner.

22.03.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No