

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No.25410 of 2017 (O&M)
Decided on: 16.02.2018**

Rahul

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Neeraj Jain, Advocate
for Mr. Jagmohan Ghumman, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. S.S. Yadav, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.251 dated 08.06.2017 registered under Sections 307, 506 and 120-B IPC at Police Station Pataudi, District Gurgaon.

Counsel for the petitioner has submitted that as per the allegation in the FIR, the incident has taken place on 03.06.2017 whereas the FIR was registered on 08.06.2017. Counsel for the petitioner has further submitted that even as per the allegation in the FIR, the petitioner was reversing the car which hit the complainant and it will be a debatable issue whether Section 307 IPC is made out or it will be a case falling under Section 279 IPC. It is further submitted that even otherwise, the ingredients of Section 307 IPC are not made out and the injuries sustained by the complainant i.e. on the rib and neck also do not corroborate with the earlier version given by the

complainant.

Vide order dated 18.07.2017, the petitioner was directed to appear before the Investigating Officer and join the investigation.

Later on, an application was moved on behalf of the complainant praying for recalling of the order granting interim bail to the petitioner. In the meantime, the State counsel on 24.08.2017 has submitted that the investigation has been transferred to CIA, Bilaspur and again a direction was issued to the petitioner to appear before the Investigating Officer/CIA, Bilaspur. On 15.11.2017, it was noticed that the petitioner has joined the investigation and the car has been recovered from him.

Even today, counsel for the State, on instructions from ASI Ashok Kumar, has submitted that the petitioner has joined the investigation and is no more required for any further investigation.

Counsel for the complainant, on the other hand, has however, submitted that after granting the interim relief, the petitioner along with others again came to the shop of the complainant and threatened him with dire consequences and an FIR has been registered against the petitioner in this regard i.e. FIR No.351 dated 03.08.2017 under Section 506 IPC, Police Station Pataudi, District Gurgaon.

In reply, counsel for the petitioner has submitted that a false complaint has been made against the petitioner though, he has never misused the concession of bail. It is also submitted that the petitioner has given a complaint to Commissioner of Police, Gurgaon against ASI Ashok Kumar, who was investigating the present FIR with the allegation that he is favouring the complainant's side and thereafter,

the investigation was transferred to CIA, Bilaspur.

In further reply, counsel of the complainant has submitted that, in fact, the police is favouring the petitioner and is not investigating the case properly.

Counsel for the petitioner, in response to this fact, has submitted that the petitioner has already been released on bail by the trial Court and, in fact, he has been involved in the second FIR as the police is colluding with the complainant.

So far as the allegation and counter-allegations levelled by the petitioner and the complainant against each other about the police favouring one of them are concerned, both of them can avail their remedies by approaching the higher police officials.

However, without commenting anything on merits of the case and considering the fact that the investigating officer has stated that the petitioner has joined the investigation; no required for further investigation; the petitioner is on anticipatory bail since 18.07.2017; the allegations are with regard to hitting the car to the complainant while reversing the same, the present petition is allowed and the interim bail granted to the petitioner vide order dated 18.07.2017 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

16.02.2018
yakub

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