

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Crl. Misc. No. M-26538 of 2018 (O&M)

Date of Decision: 09.07.2018

Rajender Singh

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Dinesh Kumar Jangra, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.595 dated 27.10.2017 registered under Sections 406/420/506 IPC at Police Station City Fatehabad, District Fatehabad.

Counsel for the petitioner submits that initially in the complaint given by the complainant, the petitioner was not even named. Rather name of one Head Constable and Homeguard namely Ram Parshad was mentioned by the complainant. It is further submitted that the subsequent version recorded in the FIR is, in fact, based upon the alleged inquiry conducted by the Deputy Superintendent of Police dated 25.10.2017 in which the acquaintance of Head Constable Raghbir Singh Saini has not been ruled out. However, another aspect is added to the complaint submitted by the complainant showing that there was one more person involved in the incident and, therefore, the petitioner has been involved.

Counsel further submits that even if the changed version of the complaint as recorded in the FIR is taken to be correct, then also the petitioner is only shown to be present without any further allegation.

Mr. Vikas Malik, DAG, Haryana, appearing on behalf of the State, being instructed by ASI Risal Singh, submits that name of the petitioner has cropped up in the final version given by the complainant. However, he has not denied that earlier another version was given by complainant, which was allegedly enquired into by the DSP. In that version, the name of the petitioner was not there.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. It is ordered that in case of his arrest, the petitioner shall be released on bail on his furnishing bail bonds/surety to the satisfaction of the Arresting Officer. It is further directed that the petitioner shall join the investigation as and when the Investigating Officer so requires. Still further, the petitioner shall abide by all the conditions as laid down in Section 438(2) Cr.P.C.

July 09, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No