

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-48230-2018 (O&M)  
Date of decision: 05.12.2018

Vijender

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S. Bhardwaj, Advocate  
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for grant of anticipatory bail in FIR No.52 dated 25.03.2018 under Sections 147/148/149/323/341/365/379-B/506 IPC and 25/54/59 of the Arms Act, 1959 (challan presented under Sections 147/148/149/323/341/365/367/506 IPC), registered at Police Station Loharu, District Bhiwani.

While granting interim bail to the petitioner, following order was passed on 31.10.2018: -

*“.....Learned counsel for the petitioner submits that the petitioner was not named in the FIR and he has been implicated in the case on the disclosure statement of co-accused Rakesh. Learned counsel further submits that while granting regular bail to the co-accused Rakesh @ Raka, the following order was passed by this*

*Court on 04.07.2018 in CRM-M-25330-2018:*

*“Counsel for the petitioner has submitted that as per the allegation in the FIR on 23.03.2018, the complainant made a statement that he along with his brother Satender were on their way to home and when they reached near a petrol pump at about 06:30 pm, a white colour car intercepted their vehicle and the petitioner along with his brother got down from the car and Rakesh pointed a pistol at him and his brother and thereafter, the petitioner and his friends caused injuries to both of them and the accused while leaving their vehicle took Rs.5,000/- from his pocket.*

*Counsel for the petitioner has further submitted that during the investigation, the police has already deleted the Arms Act as well as Section 379-B IPC and challan quathe petitioner has been submitted before the Illaqa Magistrate and the petitioner is no more required for any further investigation. It is further submitted that the motive for involving the petitioner is on account of some old civil litigation pending between the petitioner and the complainant. It is also submitted that the petitioner is not involved in any other case and he is the first offender. It is further argued that the petitioner is in judicial lock up since 14.04.2018 and conclusion of the trial will take some time.*

*Counsel for the State, on instructions from ASI Shri Niwas, has not disputed the fact that while submitting the report under Section 173 Cr.P.C., Section 379-B IPC and the Arms Act were deleted. It is also not disputed that the petitioner is not involved in any other case.”.....”*

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Dharambir Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 31.10.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

05.12.2018  
*vishnu*

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No