

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

201

**CRM-M No.7412 of 2018
Date of Decision: 19.09.2018**

NARENDER

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL.

Present:- Mr. Navneet Jindal, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Pawan Kumar Hooda, Advocate,
for the complainant.

SUDHIR MITTAL, J. (Oral)

The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No. 4 dated 02.01.2018, registered under Sections 323, 506, 34, 308, 325 of IPC at Police Station Kharkhoda.

A perusal of the FIR shows that the complainant was attacked by one Manjit son of Dharambir and two other unnamed persons who were present in the shop of said Manjit when the complainant went there to get the punctured tyre of his motorcycle repaired.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. The FIR has been registered after the delay of two days and it appears that a false story has been concocted. The co-accused of the petitioner have been granted regular bail. The petitioner has also joined investigation pursuant to the interim protection granted by this Court and no further recoveries are to be effected, thus, the interim bail granted may be confirmed.

Learned State counsel submits that the petitioner has in fact jointed investigation on two occasions and an iron rod had been recovered.

Learned counsel for the complainant submits that the petitioner and his co-accused inflicted grievous injuries on the complainant and then dragged him in the middle of the road and left him there. After the present incident, the accused persons threatened and intimidated the complainant with the motive of pressurizing him to withdraw the case, resulting in registration of another FIR i.e. FIR No. 118 dated 19.03.2018, under Sections 506, 34 IPC. Thus, the petitioner is not entitled for grant of anticipatory bail.

From the respective arguments, it is clear that the petitioner has jointed investigation on two occasions and is cooperating therewith. His co-accused have been granted regular bail, thus, the custodial interrogation of the petitioner, is not necessary in the admitted facts and circumstances. In case the petitioner has committed the offence, he shall be punished for the same after the trial.

The petition is accordingly allowed and interim bail granted to the petitioner vide order dated 21.02.2018 is made absolute, subject to compliance of condition enshrined under Section 438(2) Cr. P.C. by the petitioner. The prosecution shall however be at liberty to seek cancellation of the bail granted, in case the petitioner tries to intimidate the complainant/witnesses.

(SUDHIR MITTAL)
JUDGE

September 19, 2018
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No