

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

CRM-M-20892-2019

Date of decision-17.12.2019

Ramesh @ Bhoga

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.5 dated 07.01.2019 under Sections 148, 149 and 307 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 registered at Police Station Kasola, District Rewari. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 08.05.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the FIR describes the incident of firing alone which has caused no injury to anyone. Learned counsel contends that as per the response filed by the Police before Additional Sessions Judge, Rewari, it was pointed out that one empty cartridge was recovered from the place of occurrence along with one live cartridge. At this stage, learned counsel for the petitioner has referred to the

judgment passed by the Hon'ble Supreme Court, titled as "Bhadresh Bipinbhai Sheth Vs. State of Gujarat and another", 2015 (4) R.C.R.(Criminal) 199, wherein the principles/guidelines have been laid down by the Hon'ble Supreme Court for consideration of allegations and material particularly where the indictment of an accused is with an aide of Sections 34 and 149 IPC. The relevant paragraph reads as under:-

(g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Section 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern."

It is further contended that the other co-accused who have been arrested had made a disclosure as noticed by the Additional Sessions Judge, Rewari that the petitioner had only provoked Tinku who had fired the gunshot. Reliance is also placed upon order dated 12.04.2019 passed in respect of co-accused whereby interim bail is extended.

Notice of motion for 03.09.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C."

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Sube Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from SI Sube Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 08.05.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

17.12.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No