

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

CRM-M-44106-2019
Date of decision: 31.10.2019

Tarun Kumar

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Prashant Singh, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Neeraj Yadav, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 189 dated 17.06.2019, registered under Sections 148, 149, 323, 379-B, 427, 506 and 120-B of the IPC at Police Station Khol, District Rewari.

Learned counsel for the petitioner submits as per the allegations in the FIR, complainant Sham Lal, along with his friend Kapil, was going to take meal at a hotel and on their way, co-accused Varun, Rahul, Vivek and petitioner Tarun Kumar were standing there. When the complainant and his friend started taking meal, 7-8 young boys came there and started giving beatings to complainant and his friend. It is further stated that the reason for giving beatings was that complainant was a witness in a case against co-accused Varun and Rahul and they further threatened both of them that they should not appear as witness, otherwise they will be eliminated.

Learned counsel for the petitioner further submits that in the

statement of Kapil, recorded under Section 161 Cr.P.C., it is stated that when he, along with complainant Sham Lal, was going to the hotel to have their meal, on the way, Pardeep @ Jorat, Moni and Vikas met them and complainant Sham Lal said 'hello' to them and thereafter, they went to the hotel where the accident has taken place.

Learned counsel for the petitioner further argues that the petitioner was named in the disclosure of co-accused Pardeep @ Jorat who stated that when they were going in a Scorpio Car, Varun and Rahul met them on the way and Varun told them to give beatings to complainant and the petitioner had shown him the photograph of complainant on his mobile phone. Learned counsel for the petitioner further submits that this version is missing in the disclosure statement of other co-accused Sachin Kumar, therefore, the admissibility of such disclosure statement is to be decided during the course of trial.

Learned State counsel, on instructions from ASI Lal Chand, has not disputed the factual position that the petitioner was not present at the spot and the allegations against him are of conspiracy with co-accused Varun.

Learned counsel for the complainant submits that the petitioner and other accused were extending threat to the complainant as he is a witness in FIR No. 56 registered against co-accused Varun.

After hearing learned counsel for the parties and in view of the statement of Kapil, Sachin as well as disclosure statement of Pardeep @ Jorat, I deem it appropriate to grant concession of anticipatory bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner

is granted concession of anticipatory bail subject to his furnishing bail/surety bonds to the satisfaction of the Investigating Officer and subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it is made clear that Superintendent of Police, Rewari shall make all endeavour to provide protection to the complainant or any other witness as and when they have to put in appearance before the trial Court to make deposition and will also provide them adequate security in both the FIRs, i.e. the present and FIR No. 56.

31.10.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>