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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48845-2019
Date of decision-02.12.2019

Gaurav

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arjun Sheroan, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner-Gaurav has prayed for grant of anticipatory bail under Section 438 Cr.P.C read with Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 in case FIR No.151 dated 20.05.2018 under Sections 34, 379-B and 506 of Indian Penal Code, 1860 (Sections 392, 395 and 397 IPC added later on) registered at Police Station Gohana Sadar, District Sonapat, Haryana. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner contends that initially the complainant did not name the petitioner and the allegations were against three accused, namely, Monu, Surjit @ Tinku and Deepak @ Khada. He submits that subsequently on 23.05.2018, the complainant presented a separate written complaint wherein the petitioner alongwith Rajesh was introduced as accused. He further submits that during the trial, complainant

has not supported the prosecution case and exonerated the petitioner. He has invited the attention of the Court to the deposition of complainant-Kamlesh who was examined as PW-1 (Annexure P-4).

On the other hand, learned State counsel assisted by ASI Balwan opposed the prayer. However, it is not disputed that PW-1-Kamlesh appeared as witnesses and has not supported the allegations against the main accused.

At this stage, learned counsel for the petitioner submits that neither the warrants of arrest were issued against the petitioner nor any steps were taken to get him declared a proclaimed offender, therefore, there was no reason for the petitioner to associate himself with the investigation. This fact is not disputed by learned State counsel.

Considering the above background, it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C. The above order shall not be construed as an opinion on the merits of the case.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

02.12.2019

Anjal/vanita

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