

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

**CRM-M-48958-2018
Date of decision: 05.11.2019**

Puran Saini

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. N. P. S. Kohli, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Rajesh Duhan, Advocate (Legal Aid Counsel)
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 526 dated 21.10.2018 under Sections 323, 452, 506, 34 IPC, registered at Police Station Baldev Nagar, Ambala City.

The operative part of the order dated 02.11.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that as per the FIR, the incident had taken place on 18.09.2017, in which, due to a minor accident between car of the complainant and tractor-trolley driven by one Ashwani Kumar, the petitioner has gone to his office for the purpose of effecting a compromise and on that account, the present FIR has been registered. It is further submitted that the alleged place of occurrence is a public place and the petitioner, who is a senior citizen, has no direct role in the dispute between the complainant and said Ashwani Kumar.

Notice of motion for 04.12.2018.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 02.11.2018, has already appeared before the

SHO/Investigating Officer and has joined the investigation.

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

However, learned counsel for the complainant submits that the petitioner is misusing the concession of interim bail as he has published an item in his local newspaper levelling allegation against the complainant.

In reply, learned counsel for the petitioner relies upon several news items of various newspapers like Aaj Sajam, Amar Ujala, Dainik Bhashkar, Dainik Tribune, Dainik Savera and Dainik Jagran (all in Hindi), wherein it was highlighted that wife of the complainant is running an Atal Seva Kendra in Ambala and she was charging exorbitant service charges from poor persons.

Learned counsel for the petitioner further submits that in all the aforesaid news items, it is reported that for taking print of the Aadhar Card, wife of the complainant is charging Rs. 400/-; similarly for submission of an application from for a Ration Card, she is charging Rs. 600/- to Rs. 1500/- and similarly, she is charging exorbitant charges for applying for PAN Card etc. from the poor and illiterate persons, though some of the services, provided by the Government, is available on the payment of Rs. 5 only.

It is further submitted that the petitioner, in his local newspaper, has published a report based on the aforesaid national newspapers and even the present FIR was registered after a gap of one year as the incident pertains to 18.09.2017 and the FIR was got registered on 21.08.2018.

After hearing learned counsel for the parties and considering

the fact that the petitioner is on interim bail since 02.11.2018 and he is not involved in any other case and also in view of the statement of learned State counsel that the petitioner is no more required for any further investigation, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 02.11.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

05.11.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No