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

CRM-M No.3877 of 2020

Date of decision: 03.02.2020

Gaurav

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Budhwar, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 13 dated 13.01.2020 registered under Sections 186, 332, 353 IPC at Police Station Naraingarh, District Ambala.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of ASI Kuldeep Singh, they were present on a barrier at Ambali Chowk on 12.01.2020 when at about 10:15 PM, 03 persons came on a motorcycle and 5-6 boys also came there and they started talking and shouting in the middle of the road. When they were stopped by the police officials, they assaulted one of the police official and when the other police personnel tried to rescue him, they also assaulted him. It is further argued that the petitioner, in fact, is a hawker, who is working in the same area since long and was known to the police personnel and he was not named in the FIR. It is also submitted that the petitioner has been named in the disclosure statement of one of the co-accused namely Saurav and the injuries sustained are simple in nature. Lastly, it is submitted that the petitioner has no such previous history of involvement in any other criminal case.

Counsel for the State, on instructions from SI Gurmail Singh, has not disputed the factual position but opposed the prayer for bail on the ground that 5-6 persons had assaulted the police officers

while they were on duty and the name of the petitioner has been surfaced later on, when one of the co-accused namely Saurav was arrested.

The Investigating Officer has, however, pleaded about the fact that the petitioner is a small hawker, working at Ambali Chowk itself.

After hearing the counsel for the parties, considering the fact that the petitioner was not named in the FIR, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days from today to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.*

However, it will be open for the Investigating Officer to call the petitioner by issuing an advance notice in writing for the purpose of joining the investigation.

(ARVIND SINGH SANGWAN)
JUDGE

03.02.2020

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No