

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 11588 of 2020

Date of Decision: 04.11.2020

Mohan

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mukesh Yadav, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for the respondent.

Anil Kshetarpal, J.

On 30.09.2020, the following order has been passed by this

Court:-

“The petitioner prays for grant of pre arrest bail in a criminal case arising from FIR No.33 dated 16.02.2020 registered under Sections 148/149/323/427/452/506 of the Indian Penal Code, 1860, at Police Station Badli, District Jhajjar.

In a nutshell, the case of the prosecution has been noticed by the Additional Sessions Judge, Jhajjar in para 2 of its order dated 06.03.2020, which is extracted as under:-

“2. The prosecution case in nutshell is that complainant Braham Parkash informed the police that on 15.02.2020 Ramrati, Monika, Sunita,

Parvesh, Renu, Mohan, Jagdish and Jitender armed with wooden baton gave beating to him and his wife Sudesh. When for rescuing himself, he entered into the house of Sunder Lal, the accused Mohan gave him a fist blow on his face. On account of which his tooth broke down. Sonu, Jagdish and Parvesh gave him leg and fist blows. The accused persons asked him to withdraw the RTI application filed against Sarpanch Rampat.”

Learned counsel for the petitioner contends that the petitioner was unarmed and he is sought to be falsely implicated in the case. He submits that as per the allegations, the petitioner gave fists blow to the injured which resulted in breaking his tooth.

Notice of motion.

Mr. Chetan Sharma, AAG, Haryana accepts notice on behalf of the respondent-State. He, on instructions from HC Surrender, has submitted that the petitioner not a person of criminal antecedents.

Adjourned to 04.11.2020.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and

shall abide by the conditions as provided under Section 438(2)

Cr.P.C. To be heard with CRM-M-10779 of 2020”.

Mr. Chetan Sharma, Assistant Advocate General, Haryana, on the instructions from Head Constable Surender, has submitted that the petitioner has joined the investigation, co-operated and is not required for further custodial interrogation.

In view of the aforesaid facts, the present petition is allowed and interim pre-arrest bail granted to the petitioner by this Court on 30.09.2020, is made absolute.

(Anil Kshetarpal)
Judge

November 04, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No