

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-12640-2020 (O & M)

Date of Decision: July 15, 2020

ARUN KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Santosh Kumar Tripathi, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No.25 dated 03.03.2018, under Sections 148, 149, 285, 323, 324 and 506 of the Indian Penal Code ('IPC' - for short) Section 25/54 of the Arms Act (Sections 307 and 325 IPC added subsequently), registered at Police Station Rozka Meo, District Nuh.

Learned counsel for the petitioner contends that although the petitioner is named in the FIR, but no specific injury is attributed to him. He also contends that the main accused, namely, Kamal has been granted regular bail by the trial Court. He further contends that the petitioner is not involved in any other case of similar nature. He also contends that in the FIR 06 persons have been attributed injuries but the police have found them innocent. The petitioner is not attributed any injury in the FIR. He further contends that the complainant namely Man Singh and the injured eye witness namely Amar Singh have fully recovered from their injuries.

This Court, by the order dated 21.05.2020, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions states that although the petitioner has joined investigation but it had transpired during investigation that the petitioner had caused injury on the head of the injured eye witness namely Amar Singh. At this stage, it would be debatable as to how and on what basis police came to a conclusion that those who were named in the FIR were innocent and the petitioner was involved. In any event, these are questions which would be adjudicated at the trial.

In view of the submissions of learned counsel for the petitioner, Covid 19 Pandemic and the petitioner having joined investigation, the order dated 21.05.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 15, 2020

A.Kaundal

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