

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12808 of 2020 (O&M)
Date of Decision :06.07.2020

Nikku Ram

....Petitioner

versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Brijender Kaushik, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. Arvind Galav, Advocate for the complainant.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 438 of Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.79 dated 15.04.2020, registered under Sections 188, 323, 325, 34 and 506 of Indian Penal Code at Police Station Shahzadpur, District Ambala, subsequently to which Section 307 of Indian Penal Code was added.

3. Learned Counsel contends that due to objection by the complainant side with regard to defecation by the petitioners grand-son in the open, an altercation ensued in which the petitioner's son Kala was attacked by the complainant's father Dilbag Singh at 7:15 AM in the morning, by firing from a .12 bore gun which hit the petitioner's son on his face and in respect of which an FIR was registered by the petitioner at 12:15 noon on the same day i.e. 15.04.2020, and that the petitioner's son Kala was undergoing treatment for wounds from the firearm shot on the face in GMCH, Sector-32, Chandigarh and further that as a counter blast to the registration of the FIR by the petitioner's side, an FIR was registered at midnight on the night intervening 15/16.04.2020 by the complainant side of Kamaljit having inflicted injury on the head of

Bhupinder Singh son of Dilbagh Singh brother of complainant Amarjit Singh, thereby causing a grievous injury and that the only allegation against the petitioner was of his having caught hold of the complainant while the injury is alleged to have been inflicted by Kamaljit, other son of the petitioner on the head of Amarjit Singh and that petitioner is 61 years old and is not involved in any other case.

On the last date i.e. 22.05.2020, notice of motion was issued by noticing, the aforementioned aspects of the matter and by directing the petitioner to join investigation as and when called upon to do so. It was also ordered that in the event of his arrest, petitioner be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Arresting Officer/Investigating Officer.

4. Learned DAG, Haryana, on instructions from Inspector, Davinder Singh, states that pursuant to the order of this Court dated 22.05.2020, the petitioner joined investigation on 30.06.2020 and was released on ad-interim pre-arrest bail subject on his furnishing bail bonds and that his custodial interrogation is not required in the case.

5. In view of the position as noted above, order dated 22.05.2020, granting ad-interim bail to the petitioner, is made absolute.

6. However, nothing said in this order shall be taken as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

06.07.2020
rajesh/rajneesh

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No