

CRM-M-13391-2020

Date of decision: 01.06.2020

Gaurav

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Amarainder Singh, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Mr. B.S. Virk, DAG, Haryana puts in appearance on behalf of the State on his own.

The petitioner-Gaurav, who is accused in this case bearing FIR No.362 dated 02.07.2019 under Sections 307, 120-B, 34 of the Indian Penal Code and Section 25 of the Arms Act registered at Police Station City Ballabgarh, District Faridabad has come up in this first anticipatory bail application under Section 438 Cr.P.C.

The present case has been got registered by Surender Singh, alleging that he along with two other brothers, were running a Dhaba on the bypass road and that on account of previous dispute with their cousin/non-applicant-Nitin, the latter had assaulted them on few occasions, regarding which, the matter was reported to the police

and Nitin has threatened them with dire consequences.

It was on 02.07.2019 around 9 o'clock, when Nitin along with two other accused, all non-applicants came on a motorcycle and fired, which shot hit a passerby lady. The allegations against the petitioner-Gaurav are that he was sitting in a car at a distance from the co-accused.

Learned counsel for the petitioner has vehemently submitted that neither any specific role is attributed to the petitioner in the commission of offence nor he is named in the FIR and that there is no element of the allegations that he was a cohort of the co-accused.

The learned State counsel has strongly opposed the grant of bail on the grounds that the fire given by the motorcyclist, who were triple riding had hit a lady and, therefore, custodial interrogation of all the accused is very much essential.

The stand of the State reflects that the petitioner was on another vehicle at some distance neither any specific role is attributed to him in the commission of offence nor he is named in the FIR. A debatable issue has been arisen over the applicability of the commission of offence which can only be adjudicated at the time of trial.

This Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and his joining the investigations would suffice the purpose. Accordingly, the

petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

01.06.2020

Neha

(FATEH DEEP SINGH)
JUDGE

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