

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.14183 of 2020

Date of Decision: June 29, 2020

Sandeep & others

...Petitioners

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Balraj Gujjar, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate,
for the complainant.

Mr. Vijay Pal, Advocate,

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.141 dated 19.03.2020, under Sections 147, 148, 323, 307, 387 IPC, 1860, and Section 25/54/59 Arms Act, 1959, registered at Police Station, Tosham, District Bhiwani. The petitioners apprehended their arrest at the hands of police in the above FIR.

On 05.06.2020, this Court had passed the following order:-

“Counsel for the petitioners inter alia contends that no injuries have been suffered by any person regarding the incident which is pertaining to filling of stones in the vehicles. The allegation against the petitioners are of levying gunda tax. It is pointed out that the person namely Sunil @ Shillu who was carrying the licensed weapon as such and opened fire has been granted

bail by the Sessions Court on 14.05.2020 (Annexure P-2). It is also submitted that the complainant has submitted an affidavit dated 02.06.2020 (Annexure P-3) that the matter has been compromised.

Mr. Vinod Ghai, Sr. counsel, on the other hand, contends that the petitioners are influential persons as such and another weapon was used, recovery of which was to be effected from Sandeep and the petitioners are trying to influence the witnesses and there was extortion of the complainant side.

Notice of motion.

Mr. Chetan Sharma, AAG, Haryana, accepts notice and prays for time to inform this Court whether there is any other weapon as such which is alleged to have been used, as contended by counsel for the complainant and if so, whether recovery has been effected or not of the said weapon.

Adjourned to 29.06.2020.

In the meantime, it is directed that the petitioners shall join investigation and in the event of arrest of the petitioners, they shall be released on ad-interim bail subject to the satisfaction of the investigation officer. The petitioners shall join investigation as and when required and shall comply with the conditions laid down in Section 438(2) Cr.P.C.”

Learned counsel for the petitioners contends that in deference to the said order, the petitioners submitted themselves before the police and joined the investigation. According to him, the petitioners cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officers.

Mr. Vinod Ghai, learned Senior Counsel, appearing for the complainant has contended that though no injury was suffered by the victim as a result of the alleged firing, however, the weapon of offence has not been recovered so far. According to him, in the given facts, the custodial interrogation of the petitioners, who were illegally collecting money from

the persons who were engaged in mining, is necessary.

At this stage, learned State counsel, on instructions from ASI Anil Kumar, has apprised the Court that pursuant to the investigation, the weapon of offence has been recovered from Sandeep. According to him, the custodial interrogation of the petitioners is not required for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 05.06.2020 is made absolute.

Petition stands disposed off.

June 29, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No