

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-16491-2020(O&M)

Date of Decision: 03.09.2020

Makhan Singh

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. K.V.S. Ahluwalia, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C seeking benefit of anticipatory bail to the petitioner in case FIR No.94 dated 4.6.2020 under sections 148, 149, 323, 341, 506 I.P.C and Section 25, 54, 59 of Arms Act, registered at Police Station, Odhan, District Sirsa.

While issuing notice of motion, the following order was passed by this Court on 25.6.2020:-

“The case has been taken up for hearing through video conferencing.

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to petitioner – Makhan Singh – in case FIR No.94 dated 04.06.2020 registered under Sections 148, 149, 323, 341, 506 IPC and Section 25 of the Arms Act at Police Station Odhan, District Sirsa.

According to the prosecution, in the day time of 02.06.2020, petitioner along with his accomplice Sandeep @ Bittu, Shri Bula and Manpreet @ Kanna in their respective cars make Honda City and Verna waylaid the car of complainant Dungar, who along with his wife was returning to his village after taking medicines. Petitioner, after alighting from his Verna car fired from his pistol. Co-accused Nachhattar Singh fired from his 12 bore gun towards the complainant. Petitioner also raised lalkara to teach the complainant a lesson. After causing injuries to the complainant and firing from their respective pistols, petitioner and his co-accused fled away.

Learned counsel inter alia contends that petitioner has falsely been implicated. Petitioner was not present on the spot. Impugned FIR is a counter-blast to the cases lodged at the instance of petitioner's family against complainant Dungar and others.

Notice of motion for 3.9.2020.

Meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, petitioner – Makhan Singh – shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Lekh Raj informs the Court that the petitioner has since joined investigation and is not required for custodial interrogation.

In view of the above, instant petition is allowed. Order dated 25.6.2020, passed by this Court is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

03.09.2020

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No