

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
207 (PROCEEDINGS THROUGH V.C.)**

**CRM-M-17097-2020 &
CRM-23657-2020 &
CRM-23669-2020**

Date of decision: 23.09.2020

ABHIMANYU @ MONU

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.**

**Ms. Tanisha Peshawaria, DAG, Haryana,
for the State.**

**Mr. Amardeep Sheoran, Advocate,
for respondent No. 2.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-23657-2020

Application is allowed subject to just exceptions. Filing of
certified copy of Annexure R2/1 dated 30.06.2020 is dispensed with.

CRM-23669-2020

Application is allowed subject to just exceptions. Reply on
behalf of respondent No. 2 by way of affidavit is taken on record.

CRM-M-17097-2020

Reply on behalf of the respondent by way of affidavit of the
Deputy Superintendent of Police, Badli, Jhajjar, District Jhajjar dated
19.09.2020 filed in Court, taken on record.

According to the said affidavit, there is sufficient evidence against the petitioner and he has an active role in the commission of offence, which is admitted by him in his confessional statement, which has been recorded on 28.05.2020 (Annexure R-2), according to which, he was present at the spot and had got down from his vehicle at the liquor vend. The apprehension, which has been highlighted in the reply, is that he is likely to influence the witnesses as he is quite influential person also. The involvement of the petitioner in the case is very much made out as he is the main person who had planned the whole thing leading to breaking of bottles of liquor and taking away with some costly liquor bottles along with cash from the liquor vend. It is on these lines that the counsel for the State has projected the submissions on behalf of the State.

Counsel for the State has also pointed out that there is another case registered against the petitioner in FIR No. 325 dated 26.06.2017 registered under Sections 148, 149, 302 and 120-B IPC and Section 25 of the Arms Act, Police Station Bahadurgarh, District Jhajjar. Prayer has, thus, been made that the petitioner be not granted the concession of bail.

Counsel for the complainant has also highlighted the aspect that the petitioner being an influential person, who deals in liquor business, had attacked the liquor vend because of the competition with another person who had also opened the liquor vend which was creating hurdle in the sales of the liquor vend of the accused, because of which, such an attack has been carried out. The apprehension, which is projected, is the same as the counsel for the State with regard to influence the witnesses.

Counsel for the petitioner, on the other hand, asserts that there is no evidence against the petitioner except for the confessional statement

of the petitioner which has been relied upon by the counsel for the State.

On a question being put by this Court as to whether the injured has named the petitioner or specified the role of the petitioner in the offence, counsel for the petitioner has read out the statement of the injured- Avnesh, wherein it is mentioned that there is no role attributed to the petitioner rather he has not identified the petitioner to be present there. Counsel, therefore, contends that the petitioner be granted the concession of bail as it is asserted that because of the anticipatory bail, which has been granted to the petitioner by this Court in CRM-M-37272 of 2019 titled as Rajdeep and others vs. State of Haryana where on investigation, the Investigating Agency has kept the name of the petitioner in Column No. 2, but now he has been summoned under Section 319 Cr. P.C. It is with an intention to arrest the petitioner that the name of the petitioner has been included in the present FIR. Counsel, thus, contends that since the challan has been presented and the investigation being over, the petitioner be granted the concession of bail.

I have considered the submissions made by the learned counsel for the parties and with their assistance, have gone through the records of the case.

The factum that the name of the petitioner although figures in the FIR but in the subsequent statements, which have been given by the injured as well as the other witnesses, neither the name nor any role has been attributed to the petitioner except for his confessional statement dated 28.05.2020 (Annexure R-2). Although the petitioner is taking a plea of alibi but keeping in view the aspect that the investigation is over and the challan stands presented, the present petition is allowed.

Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, District Jhajjar provided the petitioner gives an undertaking that he would not, in any manner, contact the witnesses or would influence them. Heavy surety with stringent conditions be imposed by the Court below while accepting the bail bonds of the petitioner

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

September 23, 2020
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No