

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

110

CRM-M No.18263 of 2020
DATE OF DECISION : 13th JULY, 2020

Raj Kumar

.... **Petitioner**

Versus

State of Haryana

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present: Mr. Kunal Dawar, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.91 dated 03.05.2020 registered under Sections 341, 323, 379-B, 325, 506 & 34 IPC, at Police Station Sector 17, District Faridabad.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The complainant has given a totally distorted story to the police. In fact, the petitioner had gone to take diesel for his tempo. However, the staff of the petrol pump, by mistake, put petrol in his vehicle instead of diesel. When the petitioner protested, the employees at the petrol pump called certain persons, including the present complainant, who caused injuries to the petitioner. The petitioner was medically examined at Civil Hospital and an MLR was prepared. The matter had been reported to the police by the petitioner. However, the police did not take any action on that complaint filed. Instead, the complainant manipulated false medical status from a

private Doctor. There is even delay in registering the FIR on behalf of the present complainant. Nothing is to be recovered from the petitioner. The petitioner shall join the investigation. Hence the petitioner deserves the concession of anticipatory bail.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State.

Learned State counsel, on instructions from SI Bansi Lal, has submitted that the petitioner attacked the complainant and a fracture has now been detected. It is further submitted that some money was taken away by the petitioner from the petrol pump. The same has also to be recovered from the petitioner. However, it is not disputed that the petitioner also got injuries and he had got MLR prepared from the Civil Hospital, whereas the MLR of the complainant is from the private hospital. It is also not disputed that no weapon as such, has been used in the incident.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

13th JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>