

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

CRM-M-21267-2020

Date of Decision:-07.08.2020

TAHIR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arjun Atri, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual
Court)*

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.90 dated 15.3.2020 under Sections 379 & 188 IPC at Police Station Pinangwan, District Nuh.
2. The FIR was lodged at the instance of Mukhthiyar Ahmad wherein it is alleged that on 14.3.2020 when he was patrolling in the area of Dadholi Aravalli, he noticed a tractor-trolley carrying some stones. When he reached near the said tractor and started photographing the tractor, the persons there started abusing him and tried to snatch his phone and also scuffled with him. It is alleged that names of the said persons are Tahir

@ Kalta, Vakil, Jave, Naned, Mumtaj @ Logas, Imtiyaz.

3. Learned counsel for the petitioner submitted that he has falsely been implicated in the present case and it remains unexplained as to how the complainant could know the names of all the persons present near the tractor.
4. Opposing the petition, the learned State counsel has submitted that some of the photographs available with the Investigating Officer show the presence of the petitioner and that in these circumstances, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Since the petitioner was not apprehended at the spot and there is no definite evidence at this stage as regards the identity of the petitioner as the person shown in the photographs furnished by the State counsel, is not clearly identifiable, the presence of petitioner at the spot is rendered debatable.
7. The petition, as such, is accepted and it is ordered that the petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
8. It is, however, clarified that none of the observations made above shall be

taken to be an expression on merits of the main case.

07.08.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No