

202

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23815-2020

Date of Decision: 24.09.2020

Vinay Kant @ Killer

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Raj Mohan Singh

Present : Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

The petitioner seeks grant of anticipatory bail in case bearing FIR No. 12 dated 20.01.2019 registered under Sections 379-B, 506 of Indian Penal Code, 1860 Police Station Loharu, District Bhiwani and under Section 365, 367, 325 IPC added subsequently.

On 25.08.2020, following orders was passed by this Court:-

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

Learned counsel for the petitioner contends that in fact the complainant had borrowed an amount of 50,000/- from one Kusum and petitioner was a guarantor. Complainant knows the petitioner being of

the same area. Petitioner was declared as Proclaimed Offender just within 26 days of the proclamation. The order declaring him as Proclaimed Offender was stayed by this court in CRM-M-19556-2020 and subsequently the same was allowed vide order dated 17.08.2020. Petitioner has specifically pleaded with reference to details that the complainant is a gangster having involved in number of cases. The status report submitted by Shri Dharambir, ASI, has not show any such antecedent behavior of the complainant warranting cognizance by the police. Let, it be verified by the police whether the complainant is having such background as pleaded by the petitioner.

Adjourned to 24.09.2020.

Arrest of the petitioner shall remain stayed till the next date of hearing.”

While accepting the CRM-M-19556-2020 vide order dated 17.08.2020 this court has quashed order dated 22.10.2019 passed by Sub Judicial Magistrate, Loharu and FIR No. 27 dated 05.02.2020 under Section 174-A Police Station Loharu along with all subsequent proceedings arising thereupon. However, subject to order granting anticipatory bail, if any in the present case. The petitioner was directed to surrender before the SHO, Police Station, Loharu within a specified period and was liable to be arrested in the present case in accordance with law. The arrest of the petitioner was stayed vide order dated 25.08.2020.

The query as poised by this Court has been answered by the State by way

of reply on an affidavit of Deputy Superintendent of Police, para No. 10 of the reply reads as under:-

“That on the other hand, the complainant is also involved in the following criminal cases:-

a. FIR No. 140 dated 09.08.2017, under Sections 323, 341, 506, 34 IPC (Section 25/54/59 of the Arms Act was later on deleted), P.S. Loharu, District Bhiwani, Haryana.

b. FIR No. 285 dated 24.11.2018, under Sections 354-A, 452, 506, 34 IPC, P.S. Loharu, District Bhiwani, Haryana.

c. FIR No. 75, dated 05.06.2018, under Sections 395,397,323,341,325,143,146,147 IPC, P.S. Rajal Desar, District Churu, Rajasthan.”

Factum of involvement of the complainant in criminal cases has been established.

In view of the above, the present petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 29.09.2020 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

(RAJ MOHAN SINGH)
JUDGE

24.09.2020
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No