

CRM-M-23300-2020
CRM-M-25208-2020 (O&M)

- 1 -

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 15.10.2020

CRM-M-23300-2020

MAHARANA MOHINDER PARTAP SINGH CHAUHAN
... PETITIONER

V/S

STATE OF HARYANA ... RESPONDENT

CRM-M-25208-2020 (O&M)

TEJ PARKASH ... PETITIONER

V/S

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jai Vir Yadav, Advocate
for the petitioner (in CRM-M-23300-2020).

Mr. Amardeep Singh Sheoran, Advocate
for the petitioner (in CRM-M-25208-2020).

Mr. Amrik Singh Narwal, DAG Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

* * *

VIVEK PURI, J. (ORAL)

On 03.09.2020 following order was passed:

“Reply has been placed on record.

Briefly, as per the allegations in the FIR bearing No.
209 dated 30.05.2020 under Sections 307/34 IPC, 25/54/59
Arms Act registered at Police Station Bawal, District
Rewari, on 30.05.2020 Anil alongwith two of his friends
had fired two gun shots upon Sonu-complainant with an
intention to kill him.

It has been stated by the learned counsel for the petitioner(s) that it is a case of no injury, the firing of any weapon has not been attributed to the petitioner(s), they have not been named in the FIR and their names have been mentioned in the supplementary statement. It has been further stated by the learned counsel for Tej Parkash-petitioner that a compromise has also been effected with the complainant.

On the contrary, it has been pointed out by the learned State counsel that as per the CCTV Footage the petitioner(s) were also accompanying Anil, co-accused.

In the case in hand, the names of the petitioner(s) does not find mentioned in the FIR, it is a case of no injury and firing of two gun shots have not been attributed to the petitioner(s).

Adjourned to 15.10.2020.

Meanwhile, it is directed that in the event of arrest, the petitioner(s) be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

It has been stated by learned counsel for the petitioners that the petitioners have joined the investigation in pursuance of the interim directions issued by this Court and their custodial interrogation is no more required.

Learned State counsel, on instructions from SI Virender Singh, has not disputed the factual position of the case but he has pointed out that though the petitioners have joined the investigation but the weapon has not been recovered.

Be that as it may, it is a case of no injury and the petitioners have already joined the investigation. In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioners. The order dated 03.09.2020 is made absolute.

The petitions stand allowed.

15.10.2020

Janki

(VIVEK PURI)
JUDGE

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