

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

206

**CRM-M-24668-2020
Decided on : 05.10.2020**

Mahavir

... Petitioner

Versus

State of Haryana and another

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Vikrant Rana, Advocate
for respondent No.2.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present petition filed under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No.146 dated 04.05.2019 under Sections 147, 148, 149, 307, 323, 452 IPC and Section 25 of Arms Act, 1959 (Section 325 IPC added during investigation) registered at Police Station Dadri Sadar, District Charkhi Dadri.

On 27.08.2020 the following order was passed:-

“Counsel *inter alia* contends that the attribution towards the petitioner is only inflicting a *danda* blow on the head of Manju, sister of the complainant Rakesh. It is submitted that the petitioner's son namely Ankit, who had allegedly fired a shot with a pistol at Laxmi Devi which had hit her on the left hand, has been granted the benefit of regular bail by the Additional Sessions Judge, Charkhi Dadri. It is submitted that in the order dated 30.08.2019 (Annexure P-2), in para no. 3, it has come on record that there is no MLR of Manju and, therefore, the petitioner is entitled for the benefit of anticipatory bail.

Notice of motion.

Mr. Anant Kataria, DAG, Haryana accepts notice on behalf of the

State and submits that challan has been presented against Ankit but the petitioner has not joined the investigation.

Let the affidavit of the Investigating Officer be filed as to whether the fire arms of Ankit and Sahil, sons of the petitioner have been recovered or not and similarly whether the fire arm of Amit has been recovered.

Adjourned to 05.10.2020.

In the meantime, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on ad-interim bail subject to the satisfaction of the investigation officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down in Section 438(2) Cr.P.C. ”

In pursuance of the abovesaid order, affidavit of Shri Jogender Singh, HPS, DSP, Head Quarter, Charkhi Dadri, has been filed.

In the said affidavit, it has been deposed that the petitioner has joined investigation on 10.09.2020 and the wooden danda had been recovered. It has also been submitted that there is no MLR of Manju. The pistol carried by co-accused Amit was used by Ankit and Sahil also during the incident and only one weapon was used in the crime, which has been recovered from Amit in FIR No.36 dated 10.10.2019 registered at Jhojhu Kalan. It has further been deposed that the petitioner's custodial interrogation is not required as he is not involved in any other criminal case.

Accordingly, keeping in view the above, the present petition is allowed by confirming the interim order dated 27.08.2020.

(G.S. SANDHAWALIA)
JUDGE

OCTOBER 05, 2020
Naveen

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No