

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

201

CRM-M-26344-2020(O&M)

Date of Order:25.09.2020

Hitesh Kumar

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lalit Kumar Yadav, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

On 07.09.2020, the following order was passed:-

“Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.128, dated 09.08.2020, registered under Section 148/149/323/324/452/506 IPC (Section 307 IPC added later on), at Police Station Kalka, District Panchkula.

The brief facts of the case have been noticed by the learned Additional Sessions Judge, Panchkula, in paragraph 5 of the order, which are extracted as under:-

5. As per the record of the case, present FIR was registered on the complaint of Rishab, who was injured in the incident, for commission of offences punishable under Sections 148, 149, 323, 324, 452, 506 of Indian Penal Code and during investigation of the case, Section 307 of Indian Penal Code has been added. It has been alleged in the FIR that some minor altercation took place on 08.08.2020 between the complainant, Bhanu and brother of Bhanu on the point of returning of horn to Rajat son of Naresh, son of maternal uncle (Mama) of the complainant by Bhanu. It has been further alleged that on 09.08.2020, the complainant was sitting with his cousin namely Rajat son of Naresh

and Ritik son of Manoj in courtyard of their house and at that time, Shiv Kumar son of Daya Ram, Rajat son of Shiv Kumar, Bhanu son of Shiv Kumar, Gautam son of Rajender, Vikram son of Vijay and two-three other persons, after hatching conspiracy, entered in their house and attacked upon them. It has been alleged that Shiv Kumar caught the complainant and gave a lalkara that firstly horn is to be given to him, whereupon Bhanu inflicted injury with a knife on his left arm and Gautam had attacked him with a brick. Complainant further alleged that when Ritik tried to save him, Bhanu had given another blow of knife, due to which Ritik received injuries on fingers of his right hand. It has been further alleged that Bhanu had inflicted knife blow on the person of Rajat son of (Narender Sura) ASJ,PKL,26.08.2020 UID No.-HR0124 Vikram Kumar Versus State of Haryana 4 Naresh and Vikram son of Vijay had caught Ritik. It has been further alleged that Rajat son of Shiv Kumar and two-three other boys had given slaps and fist blows and while going from the spot, they extended threat to eliminate them. On the basis of complaint given by injured Rishab, the present FIR was registered and during investigation of the case, Section 307 of Indian Penal Code was added on the basis of statement made by Ritik.”

Learned counsel for the petitioner contends that the petitioner is neither named in the FIR nor armed. He further submits that the petitioner is sought to be indicted as an accused in supplementary statement of Ritik, one of the injured.. He further contends that the petitioner is a petty employee and is sought to be falsely implicated in the case. Notice of motion for 25.09.2020.

On the request of this court, Mr. Chetan Sharma, AAG, Haryana, accepts notice on behalf of the State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and 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.”

Learned counsel appearing for the State, on instructions from

SI Nawab Singh, has submitted that the petitioner has joined the

investigation, cooperated and is not required for further custodial

interrogation at this stage.

Keeping in view the aforesaid facts, the interim order dated 07.09.2020, passed by this Court is made absolute.

Accordingly, the present petition is allowed.

September 25, 2020
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(ANIL KSHETARPAL)
JUDGE

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