

S.No.103

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

CRM-M-26866 of 2020 (O&M)

Date of Decision:09.09.2020

SunilPetitioner

Vs.

State of HaryanaRespondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Gaurav Gupta, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.0123 dated 19.05.2020 registered under Sections 285/323/34/506 IPC and Section 25 of the Arms Act, 1959 (Section 307 IPC added later on) at Police Station Sadar Palwal, District Palwal.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner was caused injuries by the side of the complainant. On account of that, the petitioner has already lodged an FIR against the side of the complainant under Section 307 IPC. On the other hand, there are no injuries to the complainant side, which could be attributable to the petitioner. There is no other case against the petitioner. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. R.S. Jhand, Addl. AG, Haryana, accepts notice on behalf of the State. Mr. Tanmay Gupta, Advocate appears for the complainant.

Learned State Counsel, being instructed by SI Brahmpal, and being assisted by learned counsel for the complainant, has submitted that there are specific allegations against the petitioner. However, it is not disputed that the petitioner has already lodged an FIR under Section 307 IPC against the side of the complainant and that there are no corresponding injuries to the side of the complainant as attributed to the petitioner. It is not disputed that there is no other case against the petitioner.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that 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.

September 09, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No