

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

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IN VIRTUAL COURT

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**CRM-M No. 28068 of 2020
Date of decision : 24.9.2020**

Ankush

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Navneet Singh, 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. 614 dated 2.7.2020, registered under Sections 148, 149, 323, 506, 307 IPC, at Police Station Jagadhari City, District Yamuna Nagar.

It is submitted by the counsel for the petitioner that the petitioner has unnecessarily been dragged in the present case. The complainant has named the petitioner in the present FIR with a malicious intention because in another case got registered by the same complainant, the petitioner was granted anticipatory bail. Still further, it is submitted that the falsity of the case is made obvious by the very fact that the complainant had alleged firing upon him by one Amit Gupta and accordingly, Section 25 of the Arms Act was added in this case. However, subsequently, police themselves found the allegation qua firing totally false, therefore, Section 25 of the Arms Act was deleted in this case. It is also submitted that there are no specific injury attributed to the petitioner.

The petitioner is alleged to have given only danda blow on the non-vital parts of the complainant. The petitioner shall join investigation.

Notice of motion.

Mr. Rupinder Singh Jhand, Addl. AG, Haryana, accepts notice on behalf of the State.

It is submitted by the counsel for the State, being instructed by SI Satish Kumar, that the name of the petitioner is specifically mentioned in the FIR. It is further submitted that the petitioner is involved in two more cases. However, it is not disputed that no specific injury is attributed to the petitioner; and that the injuries attributable to the petitioner are only on non vital parts of the complainant, and allegedly, caused by a danda blow. Still further, it is not disputed that police themselves have found the assertions made by the complainant to be partly false.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. It is ordered that the petitioner shall join the investigation as and when so required by the Investigating Agency. However, in case of arrest, the Investigating Officer is directed to release the petitioner on bail on his furnishing bail bonds/surety to his satisfaction. It is further directed that the petitioner shall also observe the other conditions as required under Section 438(2) of Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

24.9.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No