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

CRM-M No.28605 of 2020(O&M)

Date of Decision: 11.12.2020

Kaka @ Kushvinder Rana

.....Petitioner

Vs

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Priyavrat Parashar, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Neeraj Goyal, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

The petitioner seeks grant of anticipatory bail in case bearing FIR No.412 dated 12.09.2019 registered under Sections 148, 149, 323, 452, 427, 307, 506, 379-B and 120-B IPC and Section 25 of the Arms act at Police Station Pundri, Kaithal.

Learned counsel for the petitioner contended that the petitioner has been named in the FIR, but weapon was used by one Shokin and the same has been recovered. Co-accused namely Vipin and Rajinder who were not named in the FIR, have already been granted bail by the Court of Sessions including co-

accused Shokin. Three of the co-accused have been found to be innocent during course of investigation.

Learned State counsel submitted that a compromise has been effected between the parties and the complainant has executed an affidavit to depose that the petitioner was not present in the locality.

Notice of motion was issued on 29.09.2020 to the following effect:-

“Counsel *inter alia* contends that the though the petitioner has been named in the FIR by the complainant Angrez but the weapon was used by Shokin which has been recovered. The said fact is also corroborated by Mr. Anant Kataria, DAG, Haryana as such. It is submitted that the other accused, who were not named in the FIR namely Vipin and Rajender have been released by the Additional Sessions Judge, Kaithal on 14.01.2020 (Annexure P-2) including Shokin, the main accused. It has been noted also that three of the accused named in the FIR have been found innocent during investigation. It is submitted that a compromise as such has also been effected and the affidavit of the complainant has come on record (Annexure P-4). The petitioner is stated to be not present in the locality and, therefore, the denial of anticipatory bail, which was filed only on 07.09.2020, as such by the Additional Sessions Judge, Kaithal was not justified. It is, thus, pointed out that investigation is complete qua the other accused and there is no role of the petitioner and he is stated to have just come out of the car and stated to have a *danda* and *bhinda* in his hand.

Notice of motion.

Mr. B.S. Sewak, Addl. A.G., Punjab accepts notice on behalf of the State.

Adjourned to 11.12.2020.

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.

(G.S. SANDHAWALIA)
JUDGE”

Learned State counsel on instructions from SI Kitab Singh admitted that the petitioner has joined the investigation on 12.10.2020 and further stated that danda has been recovered from the petitioner.

In view of above, order dated 29.09.2020 is made absolute. However, petitioners shall keep on joining the investigation as and when required to do by the Investigating Officer and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

11.12.2020

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)

JUDGE

Yes/No

Yes/No