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Date of decision : 16.01.2020

Petitioner.....

Respondent.....

Learned Counsel for the petitioner has submitted that the petitioner No.2-Ashok Kumar has been falsely implicated in the case at the instance of complainant-Gulshan Vashist who is a hardcore criminal involved in number of criminal cases and had along with others caused injuries to the petitioners regarding which FIR No.64 dated 23.01.2019

registered under Section 25 of the Arms Act, 1959 and Sections 148, 149, 307, 341 of the IPC at police Station Sadar, District Palwal against them. Petitioner No.2 is alleged to have fired gun-shot which allegedly struck on the leg of injured-Akash. Injury on the person of Gulshan declared to be dangerous to life is not attributed to petitioner No.2. The petitioner No.2-Ashok Kumar has joined the investigation and his custodial interrogation is not required for effecting any recovery.

Learned State Counsel and learned Counsel for the complainant have argued that petitioner No.2, along with his co-accused, is accused of having attempted to murder Gulshan. Petitioner No.2 is also involved in other cases of similar nature and does not deserve anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has acknowledged that in compliance with order dated 09.12.2019 passed by this Court, petitioner No.2-Ashok Kumar joined investigation and submitted that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against petitioner No.2, cross-version against the complainant party, the fact that injury declared to be dangerous to life is not attributed to the petitioner No.2 and that custodial interrogation of petitioner No.2-Ashok Kumar is not required in the case for effecting any recovery but without expressing any opinion on the merits of the case, I am of the considered view that petitioner No.2-Ashok Kumar deserves the concession of anticipatory bail.

Accordingly, the petition is allowed and order dated 09.12.2019 granting interim bail to petitioner No.2-Ashok Kumar is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C.

16.01.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned Yes

Whether reportable No