

CRM-M-37113-2020

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

CRM-M-37113-2020

Date of decision:17.12.2020

Ankush

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. B.S. Bedi, Advocate,
for the petitioner.
Mr. Apoorv Garg, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No. 53 dated 11.05.2020 registered under Sections 148, 149, 188, 323, 324, 342, 427, 447, 452, 506, 511 IPC and Sections 25 and 54 of Arms Act, at Police Station Kunjpura, District Karnal.

This Court, on 11.11.2020, passed the following order:

“Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No. 53 dated 11.05.2020 registered under Sections 148, 149, 188, 323, 324, 342, 427, 447, 452, 506, 511 IPC and Sections 25 and 54 of Arms Act, at Police Station Kunjpura, District Karnal.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. The only allegation against the petitioner is that he was holding a revolver in his hand, but neither any injury has been attributed to him, nor there is any allegation that any fire-arm shot by him. Moreover, father of the petitioner got FIR No. 41 dated 18.03.2020 registered against the complainant herein and a civil litigation between the parties has culminated into filing of the regular second appeal, wherein the status quo qua the property in question has been granted by a Coordinate Bench.

CRM-M-37113-2020

Notice of motion.

On the asking of this Court, Mr. Apoorv Garg, DAG Haryana, accepts notice on behalf of the respondent-State.

Adjourned to 17.12.2020.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438(2) of the Code of Criminal Procedure.”

Learned counsel for the petitioner submits that pursuant to the order dated 11.11.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Raj Kumar, submits that though the petitioner has joined the investigation, yet he has not handed over the revolver to the Investigating Agency.

At this, learned counsel for the petitioner contends that there are mere allegations of holding the revolver against the petitioner, who is 18 years of age. As a matter of fact, the petitioner was not holding any revolver at any time nor any gun shot was attributed to him. Rather, in this case, the injury is suffered by the father of the petitioner.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 11.11.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

17.12.2020
ishwar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No