

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

CRM-M No.851 of 2021

Date of decision : January 08, 2021

Bhupender

..... Petitioner

Versus

State of Haryana

..... Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Raman Chawla, 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.153, dated 26.05.2020, registered under Sections 323, 379, 427, 506 and 34 IPC and Section 379-B IPC (added later on and Section 379 IPC was deleted), at Police Station Siwani, District Bhiwani.

It is submitted by the learned counsel for the petitioner that although the FIR names certain culprits as participants in the crime, however, name of the petitioner does not find mention in the FIR. The petitioner has been sought to be involved in the alleged crime only on the basis of the alleged supplementary statement of the complainant made much later on. Even as per that statement, the only role attributed to the petitioner is that he was present at the time of the occurrence. No further role is attributed to the petitioner, even as per the case of the prosecution. The petitioner shall join the investigation. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Ms. Deipa Singh, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State.

Learned counsel for the State, on instructions from ASI Jaswant, has submitted that the petitioner is a habitual offender. His name has surfaced during the investigation. The police requires the custody of the petitioner to collect the evidence regarding the case. However, it is not disputed that even as per the supplementary statement of the complainant, no positive role is attributed to the petitioner; except being present at the scene of the occurrence. It is also not pointed out by the State as to whether any recovery is to be effected from the petitioner or not. Hence, this Court does not find any ground to force the petitioner for his custodial interrogation.

In view of the above submissions, however, without commenting any further 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 by the Investigating Officer subject to his furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall further comply with the conditions stipulated in Section 438(2) Cr.PC.

(RAJBIR SEHRAWAT)
JUDGE

January 08, 2021

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No