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

CRM-1674-2021 in/and
CRM-M-1483-2021
Date of Decision:22.01.2021

Bhim Singh

.....Petitioner

Vs.

State of Haryana

....Respondent

CRM-M-2341-2021

Sachin

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Kunal Dawar, Advocate,
for the petitioners.

Mr.Surender Singh, AAG, Haryana

Mr. Keshav Partap Singh, Advocate,
for the complainant/applicant in CRM-1674-2021.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

CRM-M-2341-2021

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.431, dated 30.08.2020, having been registered at Police Station Surajkund, District Faridabad, alleging therein the commission of offences punishable under Sections 148, 149, 323 and 324 of the IPC (with Sections 325, 307 and 506 of the IPC added later).

Though learned State counsel as also counsel for the complainant both submit that the petitioner herein, i.e. Sachin, is also seen in the photographs giving kick blows to one Suresh, however as regards his having joined investigation pursuant to the earlier order passed, learned State counsel submits on instructions from SI Pramparkash, that he has joined investigation and presently at least his custodial interrogation is not required.

That being so, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has been rendered infructuous, and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he/she would be always at liberty to avail of his/her remedy as per law.

CRM-1674-2021 in
CRM-M-1483-2021

Vide this application, in terms of the last order passed, the complainant in the FIR seeks to place on record the photographs of the occurrence, as Annexure P-8, with the accompanying petition.

Notice in the application.

Mr.Kunal Dawar, Advocate, learned counsel for the non-applicant/petitioner accepts notice and does not oppose the application at least as regards placing on record the photographs.

That being so, without making any comment on the actual merits

thereof, the application is allowed and the photographs annexed with the application are taken on record as Annexure P-8 (collectively) with the accompanying petition.

CRM-M-1483-2021

In this petition, the following order had been passed on January 13, 2021:-

“Case heard by video conference.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.431, dated 30.08.2020, having been registered at Police Station Surajkund, District Faridabad, alleging therein the commission of offences punishable under Sections 148, 149, 323 and 324 of the IPC (with Sections 325, 307, 506 IPC added later)

Learned counsel for the petitioner submits that the petitioner has simply been roped in like many others from his family whereas even as per the CCTV footage of the occurrence, he is only seen to be standing by without any active role attributed to him and that even in the FIR no active role is attributed to him.

Notice of motion.

Mr. B. S. Virk, learned DAG, Haryana, accepts notice at the asking of the court on behalf of the respondent State, with Mr. Keshav Partap Singh, Advocate, appearing for the complainant and accepting notice.

Learned counsel for the complainant submits that actually the petitioner is seen armed with a *danda*, beating the people, even in the CCTV footage and therefore he does not deserve to be admitted to anticipatory bail.

Learned State counsel submits that he has no instructions with regard to the CCTV footage.

Adjourned to 22.01.2021, to enable learned counsel for the complainant, as also the State, to place on record the CCTV footage showing the petitioners' role/lack of it therein, with it made clear that if there is a CCTV footage of the two separate incidents that are stated to have taken place (as has been depicted in the FIR), it shall be clarified by the State as also by learned counsel for the complainant as to which specific incident the CCTV footage as would be placed on record (alongwith still photographs), relates to.

In the meanwhile, in view of the specific and vehement contention of Mr.Dawar that the petitioner actually has not been attributed any active role even as per the CCTV footage and definitely not even in the FIR, till that date only and specifically, the petitioner be not arrested.”

Today, Mr.Dawar learned counsel for the petitioner, upon seeing the photographs as have been taken on record as Annexure P-8, could not deny that the petitioner is actually seen to be armed with a *danda*.

In view of the above, Mr.Dawar submits that the petitioner does not press this petition.

Dismissed as withdrawn, with the interim order passed on 13.01.2021 obviously vacated.

A photocopy of this order be placed on the file of the connected case.

January 22, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO