

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

**CRM-M No. 5728 of 2021
Date of decision: 02.11.2021**

Yogesh Petitioner.

Versus

State of Haryana and another Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sandeep Kumar Yadav, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana, for respondent No. 1.

Mr. J.P. Sharma, Advocate, for respondent No. 2.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 365 dated 06.10.2020, under Section 147, 149, 323, 379-B and 506 of the Indian Penal Code, 1860, registered at Police Station Kanina, District Narnaul.

A Coordinate Bench of this Court passed the following order on 09.02.2021:-

“The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail to the petitioner in case FIR No.365 dated 06.10.2020 registered under Sections 147, 323, 379-B and 506 read with Section 149 of the Indian Penal Code, 1860 in Police Station Kanina, District Narnaul.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case due to village rivalry. The petitioner did not commit the alleged

offences. Even as per the allegations made in the FIR, the petitioner was not armed with any weapon and no specific injury is attributed to him. Vague and general allegations of giving beating have been made against the petitioner. The petitioner is ready to join the investigation and his custodial interrogation is not necessary in the case.

Notice of motion.

Pursuant to supply of advance copy, Mr. Ranvir Singh Arya, Addl. A.G., Haryana has appeared and accepted notice on behalf of the respondent-State.

In view of the facts and circumstances of the case, I consider presence of the complainant to be necessary for just and proper decision of the petition. Therefore, the complainant is ordered to be impleaded as respondent No.2. Memo of parties be amended accordingly.

Learned State Counsel seeks time to file reply.

Adjourned to 05.03.2021.

Notice to newly added respondent No.2 be issued for the date fixed and be also given dasti, if so desired.

To be heard with CRM-M-2517-2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him.”

Learned State counsel, upon instructions from SI Narender Singh, states that the petitioner has joined investigation.

Learned counsel for respondent No. 2 contends that in view of

serious allegations against the petitioner, he is not entitled to the concession of anticipatory bail.

In view of the above and the petitioner having joined investigation, the order dated 09.02.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438 (2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

02.11.2021
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No