

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

CRM-M-6215-2021

DATE OF DECISION: 19.08.2021

RAGHUBIR

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Mohit Rathee, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No.0044 dated 05.03.2019, under Sections 148, 149, 323, 307 IPC and Section 25 of the Arms Act, registered at Police Station Chhainsa, District Faridabad.

The coordinate Bench of this court on 04.03.2021, had passed the following order:-

“It is contended by learned counsel for the petitioner that though he is named in the F.I.R as one of the assailants and fire arm injury having been attributed to him but on completion of investigation his involvement in the incident was not found to be there; for the said reason the petitioner was not challaned and his name was kept in column No. 2 of final report under Section 173 Cr.P.C. It was only after recording statement of one eyewitness when the prosecution moved application under Section 319 Cr.P.C the petitioner has been summoned as an additional accused. He has further contended that since challan has already been filed in the Court, if he is not granted bail he would be sent to judicial custody which is not going to serve any fruitful purpose, more particularly when his other co-accused have been granted regular bail by the Court. Learned counsel for the petitioner has further

argued that petitioner is ready and willing to appear in the trial Court whereas learned State counsel assisted by Mr. Vikas Saroha, Advocate for the complainant has contended that during the trial, it has been specifically stated by the eyewitness that it was petitioner Raghubir who had fired the shot on victim Hem Raj which injury has been declared to be dangerous to life; he is the main culprit as such does not deserve concession of pre-arrest bail.

After hearing the rival contentions, I find that it would be proper and appropriate to direct the petitioner to appear in the trial Court and to grant interim bail to him. Therefore, the petitioner is directed to appear in the trial Court on 15.3.2021, the date of hearing said to be fixed before the trial Court and in the event of his doing so he be released on interim bail to the satisfaction of the trial Court. Intimation in that regard be given to this Court by the next date of hearing fixed as 30.4.2021.”

Learned State counsel contends that the petitioner has appeared before the trial court and had been granted interim bail on 15.03.2021. He has furnished copy of the order which is taken on record.

In view of the above, especially when the petitioner having appeared before the trial court, the order 04.03.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall appear before the trial Court as and when called upon to do so. He shall not absent himself without the prior permission of the trial Court.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

19.08.2021

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No