

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

CRM-M-8473 of 2021

Date of Decision:01.09.2021

Rajender

---Petitioner

versus

State of Haryana and another

---Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Tanvir Singh Grewal, Advocate
for the petitioner

Mr. Rajat Gautam, Deputy Advocate General,
Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through
video conferencing. .

Petitioner seeks grant of anticipatory bail under
Section 438 Cr.P.C. in case bearing FIR No. 365 dated
6.10.2020 registered under Sections 147, 323, 379-B and 506
read with Section 149 of the Indian Penal Code, at Police
Station Kanina, District Mahendergarh.

Reply by way of affidavit of Rajiv Kumar, HPS,
Deputy Superintendent of Police, Kanina District Mahendergarh
filed on behalf of respondent No. 1, is taken on record.

Notice of motion was issued on 23.2.2021 with interim directions. On 23.2.2021, following order was passed:-

“The case has been taken up for hearing through video conferencing.

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 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 Mahendergarh.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The FIR is a counter-blast to Civil Suit filed by Rajpal Singh and Satyavir Singh against the complainant. The petitioner did not commit the alleged offences. Even as per the version given in the FIR, the petitioner was armed with wooden stick. No specific injury/role has been attributed to the petitioner and vague and general allegations of beating of the complainant have been made against him. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Ranvir Singh Arya, Addl. A.G., Haryana has appeared and accepted notice on behalf of respondent No.1-State.

Learned State Counsel seeks time to file reply.

Adjourned to 12.05.2021.

Notice to respondent No.2 be issued for that date and notice be also given dasti, if so desired.

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.

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(ARUN KUMAR TYAGI)
JUDGE"

As per allegations, the petitioner was shown armed with wooden stick but no specific role was attributed to him

except general allegation of beating the complainant.

As per para 4 of the reply filed by Learned State counsel, the petitioner has joined investigation on 2.3.2021 and the accused persons including the petitioner have suffered their disclosure statements. According to learned State counsel presence of the petitioner is not required for further investigation of the case.

In view of the statement made by learned counsel for the State, the interim order dated 23.2.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

01.09.2021
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No