

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

Sr. No.210

CRM-M-9029-2021 (O&M)

Date of decision: 22.11.2021

Yadwinder Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jaideep Kailey, Advocate
for the petitioner.

Mr. Sumit Jain, Addl.A.G., Haryana.

Mr. Siddharth Gulati, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.48 dated 10.02.2021 registered under Section 323, 34, 365 IPC (Sections 148, 506, 149 IPC and Section 25 of Arms Act added later on), at Police Station Chandimandir, District Panchkula, Haryana.

The petitioner is being prosecuted for having kidnapped the complainant's husband and then giving him beatings as also getting a video made from him with regard to showing of the petitioner's company in good light.

Learned counsel for the petitioner contends that the complainant's husband was earlier employed in the petitioner's firm; after leaving his employment there was professional rivalry between them leading to the uploading of certain videos by the complainant's husband to defame the petitioner's firm; when the petitioner filed a complaint against the complainant's husband, as a counter blast, the instant FIR was got registered; there is no evidence of any injury on the complainant's husband; in the FIR there is no reference to the petitioner having carried a weapon;

there is no other criminal case pending against the petitioner and that under the interim orders passed by this Court, the petitioner has joined the investigation.

Learned counsel for the complainant opposes the grant of bail to the petitioner on the ground that the recovery of weapon used by the petitioner in the offence is required to be made and that through filing of complaints with the Cyber Cell the petitioner is trying to put pressure on the complainant to withdraw the instant FIR.

Learned State counsel submits that though the petitioner has joined investigation, the weapon used by the petitioner is yet to be recovered from him.

In the light of the petitioner's denial with regard to him having committed the offence he is accused of and in particular non-mentioning of the petitioner having been armed with a weapon in the FIR, it would be debated during the petitioner's trial as to whether the petitioner was armed with a weapon at the time he committed the offence he is accused of. It shall also be deciphered during the petitioner's trial as to whether professionally was the cause behind lodging of the FIR in question. However, under the interim orders passed by this Court, on all other aspects of the allegations against him, the petitioner has joined investigation; there is no other criminal case pending against him and that his co-accused have already been granted anticipatory bail.

In the light of the above, the interim order of this Court dated 25.02.2021, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

November 22, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No