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

CRM-M No. 15539 of 2021
Date of Decision: 09.08.2021

Sachin

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G.C. Shahpuri, Advocate,
for the petitioner.

Mr. Rajat Gautam, D.A.G., 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.125 dated 04.03.2021 under Sections 307, 323, 324, 427, 34 IPC and under Sections 25/54/59 of Arms Act registered at Police Station Indri Karnal, District Karnal.

On 09.04.2021, following order was passed:-

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

Learned counsel for the petitioner contends

that the petitioner was employed as driver by Rinku. Kailash had to pay an amount of Rs.16,000/- to the petitioner which he could not pay in time. Petitioner along with Rinku and others gave beatings to Kailash and this fact was disclosed by Kailash to complainant namely Ruchin Kamboj. Allegations are that the complainant received a telephonic call from Rinku for settling the issue with Kailash as Kailash is friend of the complainant. Rinku invited the complainant to his house. When the complainant along with Krishan started for the house of Rinku and asked Rinku about the location of his house, then he replied in a very indecent manner that “TERA BAAP TERE PEEECHE FISTA GADI U.P. NUMBER MEIN HAI AUR AAJ TERI KAHANI KHATAM KAR DETA HUN”. Thereafter, they opened fire upon the car of the complainant, hitting at the rear glasses. The complainant and Krishan had a narrow escape.

Learned counsel further contends that no role is attributed to the petitioner. He was

allegedly driving the car of Rinku. Rinku has been arrested and fire arm has been recovered from him. The car has also been recovered from Rinku. Nothing is to be recovered from the petitioner and petitioner is willing to join the investigation.

Notice of motion for 13.07.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 16.04.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on ad interim bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.”

Learned counsel for the petitioner submits that no role has been attributed to the petitioner in the context of allegations that he was driver of car of Rinku who has already been arrested

and fire arm has been recovered from him. The car has also been recovered from Rinku.

Learned State counsel submits that the petitioner has joined the investigation.

In view of incriminating facts recorded in order dated 09.04.2021 and in view of stand taken by learned State counsel that nothing has been recovered from the petitioner as per *Pehrwi* report, I deem it appropriate to confirm order dated 09.04.2021.

In view of above, order dated 09.04.2021 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

August 09, 2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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