

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-15761 of 2021

Date of decision:23.9.2021

Manoj Tyagi

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Pankaj Bali, Advocate,
for the petitioner
Mr.Neeraj Poswal, AAG, Haryana
...

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conferencing.

On 9.4.2021, the following order had been passed by this
court:-

“The Registry has put up along with this petition an order passed by this court on 16.06.2020 in CRM-M-13824 of 2020, filed by the two co-accused of the petitioner, one of them being her son, Satish.

The said order reads as follows:-

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioners seek the

concession of 'regular bail', upon FIR no.134 dated 11.03.2020 having been registered at Police Station Gharaunda, District Karnal, against them, alleging therein the commission of offences punishable under Sections 323, 447, 506, 379B read with Section 34 of the IPC, with Section 201 of the IPC added subsequently.

Mr. Parminder Singh, learned counsel for the petitioners, submits that the FIR is only a 'backlash' for the civil suit instituted by the petitioners' father (Ashok Kumar) against the complainant and others, such suit having been instituted in February 2020, seeking cancellation of a sale deed entered into between the parties; and therefore it is wholly a false FIR because even as per the injuries stated to have been received by the complainant party, there is no serious injury shown.

He further submits that though initially it was only stated in the complaint that a gold chain was snatched from the complainant, Mohit, subsequently in the disclosure statement of petitioner no.1 (Satish), he is alleged to have stated that it was given by him to his mother who

thereafter was also arraigned as an accused (though not arrested).

Learned State counsel however submits that the petitioners having been found to have attacked the complainant party and even having snatched the chain, they do not deserve the concession of bail. He however submits that there is no other criminal case registered against the petitioners and does not deny the fact that a civil suit has been instituted by the petitioners' father.

In view of the above, without making any comment on the merits of the case, for or against the petitioners, which would naturally be subject matter of the trial, as a report under Section 173 of the Cr.P.C. has already been submitted to the competent court, I deem it appropriate to admit the petitioners on bail during the pendency of the trial.

Consequently, without making any comment on the actual merits of the case, for or against the petitioners, this petition is allowed. The petitioners would be enlarged on bail, upon their furnishing adequate bail and surety bonds to the satisfaction of the trial Court."

Learned counsel for the petitioner naturally reiterates the above and further submits that even as per the FIR, the only allegation against the petitioner is that she given a danda blow on the back of the complainant.

Notice of motion be issued to the respondent-State, with Mr. B.S. Virk, learned DAG, Haryana, accepting notice at the asking of the court.

Adjourned to 26.05.2021.

In the meanwhile, the petitioner is directed to join investigation within one week and upon her doing so, in case she is sought to be arrested, she would be admitted to interim bail, on her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. She shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, she would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join her in investigation.

A gazetted officer is directed to file a reply to the petition after verifying the factum of any civil litigation pending between the parties prior to the date of occurrence in question.”

Today, learned State counsel, on instructions from ASI Bahadur

Singh, submits that the petitioner has joined investigation pursuant to the order dated 9.4.2021 and presently his custodial interrogation is not required.

In view of above, the petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 7 days notice before arrest, duly shown to be served upon them.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

23.9.2021
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No