

214

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15566 of 2021(O&M)
Date of Decision: 12.07.2021

INDER SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. J.S Yadav, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Sagar Aggarwal, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

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

CRM-M-12754-2021

This is an application for addition of offences under
Sections 325 and 327 IPC in the head note and prayer clause of
the petition.

Notice in the application was issued on 06.07.2021 for
today.

On asking of the Court Mr. Rajat Gautam, DAG,
Haryana, accepts notice on behalf of the State.

Having heard learned counsel for the parties, I deem it

appropriate to incorporate offences under Sections 325 and 327 IPC in the head note and prayer clause of the petition.

Application stands disposed of.

CRM-M-15566-2021

Petitioner seeks grant of anticipatory bail in case bearing FIR No.82 dated 01.03.2020 registered under Sections 307, 323, 325, 327, 34, 386, 447, 452, 506, and 511 IPC at Police Station Rewari City, District Rewari, Haryana.

On 08.04.2021, following order was passed by this Court:-

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

Learned counsel for the petitioner contends that though the petitioner has been named in the FIR, but only his presence is shown without any overt act on his behalf. As per allegations, Mahender @ Billa gave an injury with kulhada under right knee, left hand and on the head of the complainant. Coaccused Sunil and Dinesh inflicted injuries with stick on the brother of the complainant on his left foot, right knee patella and near left elbow. Sunil and Dinesh further gave injuries to the complainant on his head and hands in a row. When the complainant and his brother started running and entered in the shop of Badal Fashion Five, the accused followed them. Thereafter, the complainant party entered into Deep Fancy Cloth House, but they were chased by the assailants and thereafter, complainant party entered in the shop of Yogesh Saini @ Panna and the accused party entered in that shop as well and inflicted injuries to them. They also inflicted injuries to Mukesh. During the entire process, the attribution qua the petitioner is that he was found present at the spot.

Notice of motion for 12.07.2021.

*In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on **14.04.2021** 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.*

It is made clear that grant of interim order shall not be taken to be an expression on merits of the case in any manner. The case shall be considered on merits on the adjourned date.”

Learned counsel for the complainant opposed the bail on the ground that in CCTV footages, presence of the petitioner was duly shown, wherein the occurrence took place on his dictate.

Learned counsel for the petitioner has denied the aforesaid fact and submits that the petitioner was empty handed and he was involved in getting the complainant party freed. Petitioner has not inflicted any injury to the injured.

Learned counsel submits that CD/CCTV cannot be termed to be prima facie evidence at this stage. Such an electronic record cannot be admitted by way of secondary evidence without compliance of Section 65B of the Evidence Act. Learned counsel refers to **Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and others, 2020(2) R.C.R (Civil) 256.**

Learned counsel for the petitioner submitted that in compliance of order dated 08.04.2021, the petitioner has joined the investigation to the entire satisfaction of the Investigating

Officer.

Learned State counsel on instructions from ASI Giriraj admitted the aforesaid fact and submitted that the petitioner is no more required for further investigation of the case.

In view of aforesaid factual position, the interim order dated 08.04.2021 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.

12.07.2021

Amandeep

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No