

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21224-2021
Date of Decision:-20.08.2021

Narender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Robin Singh Hooda, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.355 dated 13.09.2020 under Sections 307, 34 IPC and Sections 25, 54 and 59 of the Arms Act, 1959, registered at Police Station Rohtak Sadar, District Rohtak, Haryana.

When the case came up for hearing, a Co-ordinate Bench passed the following order:-

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

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR. The allegations are that Sonu and Monu came to the house of Vikram, where Amit and Parveen were present along with Vikram. Amit, Sonu and Monu had some money

dispute and an altercation took place between them. Sonu fired upon Amit, hitting him in his left side of chest. Sonu is in custody and recovery has been effected from him. Learned counsel further submits that on 13.09.2020, the petitioner being neighbour of Sonu gave his car on the request of Sonu as he wanted the same on account of some medical urgency. When the car was not returned to the petitioner, he was asked for the same and Sonu replied that the car was taken in police custody on account of some traffic violation. The car is registered in the name of mother of the petitioner, for which even an application for superdari was also filed, which was ultimately got dismissed as withdrawn on 18.03.2021. The petitioner has been attending the police station repeatedly and there is no overt-act on behalf of the petitioner in commission of offence in any manner.

Notice of motion for 20.08.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 02.06.2021 at 11:00 AM and in the event of his arrest, he shall be enlarged on interim bail, on his furnishing requisite bail bonds/surety bonds 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 petitioner has submitted that in pursuance of the above said order, the petitioner has joined the investigation

and has also submitted that the petitioner has not been attributed any injury and in fact, the complainant has resiled from his statement.

Learned State counsel, on instructions from ASI Satish Kumar, has submitted that the petitioner has joined the investigation and is not required any further.

This Court has heard the learned counsel for the parties.

Keeping in view the above said facts and circumstances, moreso, the fact that the petitioner has joined the investigation and is not required any further, the present petition is allowed.

Interim order dated 27.05.2021 is ordered to be made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

(VIKAS BAHL)
JUDGE

August 20, 2021.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.