

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-22122-2021 (O&M)
Date of Decision:-23.8.2021

Rakesh @ Rakan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arihant Jain, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Ash Mohd.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.163 dated 6.8.2020 under Sections 148/149/323/325/307/506 IPC at Police Station Hassanpur District Palwal.
2. The FIR was lodged at the instance of Shripal wherein it is alleged that in the instant case on 28.7.2020 when his sons Himanshu and Pankaj were returning home from Hassanpur, they were attacked by Om Parkash, Dheeraj, Mohit, Monu, Rakesh, Gulu, Anoop, Chanderpal, Vedwati and another 5-6 unidentified persons. It is alleged that the said persons were armed with swords and country made pistols. It is further alleged that Dheeraj and Mohit

were carrying pistols while others were having swords and rods in their hands.

3. The learned counsel for the petitioner has submitted that although his name figures in the FIR but neither any specific weapon is attributed to him and nor he is stated to have inflicted any specific injury to injured. The learned counsel has further submitted that the complainant has involved a large number of persons including persons who are alleged to have fired from the pistols but infact no injuries with any firearm was found necessarily indicating that the FIR had been lodged by exaggerations and is infact a totally concocted version. The learned counsel has further submitted that the falsity of the case of prosecution would be evident from the fact that while the occurrence had taken place on 28.7.2020, the FIR was recorded after more than 8 days i.e. on 6.8.2020.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and the injured were found to have sustained injuries, no case for grant of anticipatory bail is made out. The learned State counsel, upon instructions from ASI Ash Mohd., has informed that pursuant to interim directions issued by this Court on 16.6.2021, the petitioner has since joined investigation. It has also been informed that the petitioner is not wanted in any other case.
5. I have considered rival submissions addressed before this Court.
6. There indeed is a delay in lodging the FIR which would cast some kind of doubt as regards its authenticity. In any case, the petitioner is not attributed any specific injury and is not even attributed any specific weapon. Since the petitioner has already joined investigation and is not stated to be involved in

any other case, the petition is accepted and the interim directions issued by this Court vide order dated 16.6.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

23.8.2021

kamal

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No