

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-24123-2021

DATE OF DECISION: 16.12.2021

DEVI DAYAL

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ajit Singh Lamba, Advocate for
Mr. Keshav Partap Singh, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

Case taken up through video conferencing.

The petitioner is seeking anticipatory bail in FIR No.205 dated 25.04.2021, under Sections 323, 342, 379-B, 506, 34 IPC (Section 379 B deleted after investigation), registered at Police Station Hisar City, District Hisar.

A coordinate Bench of this court, on 30.06.2021, had passed the following order:-

“Prayer is for grant of anticipatory bail in case FIR No.205 dated 25.04.2021 under Sections 323,342,379-B,506,34 IPC (Secgtn 379- B deleted after investigation), registered at Police Station Hisar City, District Hisar.

FIR is registered on the complaint made by Rajiv Dabra, Secretary, Anaj Mandi, Association with the allegation that on 25.04.2021 at about 11.10 a.m, he received a call from one Sunil Khatana, owner of a shop located in the said Anaj Mandi. Complainant went inside the shop where Chhabuil Dass Kedia, President, Anaj Mandi Association along with two others namely, Sunil and Sushil were already present. The petitioner, who is alleged to be private gunman of co-accused Sunil, was also present there. It is alleged that all of them took the complainant inside and started beating him with dandas besides slapping. The petitioner is alleged to have pointed his revolver at the complainant and forced him to make certain undertakings. It is further alleged that the accused took away a sum of Rs.20,000-25000/-, which was lying in

pocket of the complainant and threatened him to pay Rs.25000/- every month.

Learned counsel for the petitioner contends that the allegation regarding snatching of amount of Rs.20,000-25000/- has been found to be false on the basis of which, Section 379-B IPC has been deleted after investigation. He submits that the incident was captured in the CCTV footage from which, it is clear that the gun was not pointed at the complainant by the petitioner as alleged in the FIR. It is submitted that coaccused Sunil and Sushil were arrested and have been enlarged on bail.

Notice of motion for 28.09.2021.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned State counsel, upon instructions from ASI Jagdish, contends that although the petitioner has joined investigation but he has not handed over the pistol which was attached to his belt at the time of the occurrence. There is, however, no allegation that the pistol was unlicensed and that the petitioner had used it for firing any shots.

In view of the above and the petitioner having joined investigation, the order dated 30.06.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

16.12.2021

SwarnjitS

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