

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-25485-2021
Date of decision: 06.10.2021

Sourav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Deepkaran Dalal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 117 dated 02.05.2021, registered under Sections 323, 341, 379-B, 506, 34 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Mundkati, District Palwal, Haryana.

The operative part of the order dated 06.07.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner relies upon order dated 17.06.2021 passed in CRM-M-23344-2021, vide which co-accused Virender has been granted concession of interim anticipatory bail by this Court by passing the following order:

“Learned counsel for the petitioner contends that the petitioner is innocent which is evident from the fact that neither was he named as an accused in the FIR in question nor any recovery was effected from him subsequent to the

registration of the said FIR with respect to the occurrence which took place in the night of 21.05.2021. Learned counsel, while inviting the attention of this Court to the FIR in question, submits that the allegations were levelled against three boys, who were riding a motorcycle and calling each other by the names of Saurabh and Nitin, and who had snatched Rs.2000/- and a mobile phone after waylaying the complainant.

Learned counsel for the petitioner submits that as per the prosecution, two more crimes of similar nature were committed at about the same time, however, even in those two alleged crimes, name of the petitioner did not figure even by way of any disclosure statement of the co-accused, who were apprehended and interrogated by the investigating agency. He further submits that the petitioner is a man of clean antecedents and not involved in any other case.

Notice of motion.

On the asking of Court, Mr. Tapan Kumar, DAG, Haryana accepts notice on behalf of the respondent-State.

Meanwhile, petitioner is directed to join the investigation as and when required by the investigating officer. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Code of Criminal Procedure, 1973.

Adjourned to 06.10.2021.”

Learned counsel further submits that the petitioner

is being implicated falsely in this FIR only on the premise that name of one 'Sourav' has surfaced during investigation.

Learned counsel further submits that there is nothing on record to show that the petitioner is the same person, who is named as 'Sourav' during investigation and neither he is known to complainant nor he is involved in any other case.

Notice of motion for 06.10.2021.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 06.07.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

However, learned counsel for the State, on instructions from the Investigating Officer, submits that the petitioner is still required for investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 06.07.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

06.10.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No