

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

CRM-M-23615 of 2020

DATE OF DECISION :- February 25, 2021

Tek Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Tek Chand son of Shri Lal, aged about 60 years, resident of village Bhatgaon, District Sonipat, an accused in F.I.R. No. 286 dated 20.6.2020, registered with Police Station Sonipat Sadar, District Sonipat for offences under Sections 148,149,307,323,506 and 120-B IPC (added lateron) and offence under Section 25 of the Ars Act.

Briefly stated the facts of the case as per prosecution story are that on 19.6.2020, at about 7.00 P.M an altercation had taken place between Yogesh, brother of complainant Kuldeep son of Surajbhan, resident of Village Bhatgaon, Malyaan and Virender son of Tek Chand (present petitioner). On that very date at about 10.00 P.M, complainant along with his two brothers were sleeping in the Gher then Virender son of petitioner Tek Chand, Sanjay son of Kala, Aakash son of Kala and petitioner Tek Chand son of Shri Lal along with one more boy as well as Jitender @ Jony and 2-3 other boys came

in a Car and on motorcycles and they stated that they would teach a lesson to Yogesh for quarreling with Virender. Saying that Aakash and other boys started giving danda blows to Yogesh; Yogesh started running towards the main road; the assailants ran towards him. In the meanwhile Sanjay, having pistol in his hand fired shots towards Yogesh whereas the other boys gave danda injuries to him. Virender was also having a pistol in his hand. On an alarm being raised, all the assailants ran away from the spot in/on their respective vehicles while giving threats to the complainant side.

On matter being referred to the police, formal F.I.R. was registered. Apprehending his arrest in the case, petitioner Tek Chand has approached the Court of Sessions at Sonipat by moving an application for grant of pre-arrest bail. His such his application, which was assigned to Additional Sessions Judge Fast Track Court, Sonipat was dismissed vide order dated 13.8.2020, as such the petitioner has approached this Court craving for grant of that very relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that petitioner Tek chand is aged about 60 years. He does not have any past criminal record. Further more, no specific role has been attributed to him in the incident, inasmuch as neither it is alleged that he was carrying any weapon nor he had caused any injury to Yogesh or any other person from the complainant side. According to learned counsel for the petitioner, he has been wrongly involved in this case as a pressure tactic. Further more, he has joined the investigation in terms of directions issued to him by this Court and has been released on interim bail. Since no recovery is to be effected from him, therefore, his custodial interrogation is not required, as such petition be accepted.

Learned State counsel on instructions from ASI Jai Bhagwan states that petitioner has since joined the investigation and has been released on interim bail. He further contended that since no recovery is to be effected from the petitioner, therefore, his custodial interrogation is not required.

After hearing the rival contentions and considering the facts and circumstances of the case as well as statement made by the State counsel, I find that the petition deserves to be accepted and the same is allowed. The interim bail granted to the petitioner on 20.8.2020 is made absolute, subject to the following conditions :-

- (i) he shall join the investigation as and when so directed.
- (ii) he shall appear in the Court on each and every date of hearing.
- (iii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iv) he shall not leave India without prior permission of the Court.
- (v) he shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAN)
JUDGE

February 25, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No