

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

208-3

CRM-M-32216-2021 (O&M)

Date of Decision: 16.11.2021

Abhishek @ Hargu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Mukesh Yadav, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Tipender Singh.

Mr. Sukhmeet Singh, Advocate, for the complainant.

(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 against him vide FIR No.211 dated 12.06.2021 at Police Station Kanina, District Mohindergarh, under Sections 109/147/149/295-A/323/452/506 IPC (Section 379 IPC added later on).
2. At the time of issuance of notice of motion, the following order was passed:

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.211 dated 12.06.2021, registered for offences under Sections 109, 147, 149, 295-A, 323, 452 and 506 of the Indian Penal Code, 1860 (Section 379 of the Indian Penal Code, 1860

was added later on), at Police Station Kanina, District Mahendergarh.

Counsel for the petitioner contends that a false case has been foisted upon the petitioner as there was a civil litigation between the complainant and the family of the petitioner. He submits that allegations have been levelled against some of the accused of entering the Gurdwara Sahib with their shoes and uncovered heads and physically assaulting the **Sewadar** but there is no such allegation against the petitioner, though he has been named in the FIR. He has placed reliance on interim orders dated 15.07.2021 and 27.07.2021 (Annexures P-5 and P-6 respectively), whereby co-accused, Ramavtar and Jodha Singh have been granted interim protection by this Court. He submits that the petitioner is ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Kuldeep Tiwari, Additional Advocate General, Haryana accepts notice on behalf of respondent-State.

List on 16.11.2021.

To be heard with CRM-M-24372-2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation, the petition is accepted and the

interim directions issued by this Court vide order dated 19.08.2021
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.

16.11.2021

Vimal

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No