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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.36973 of 2021 (O&M)

Date of decision: 08.09.2021

Rohit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.38 dated 13.02.2021 registered under Sections 148, 149, 307, 506 IPC and 25 of the Arms Act, at Police Station Chandhut, Palwal District Palwal.

Counsel for the petitioner has submitted that the FIR was registered on the statement of Vishnu, brother of the injured Braham, with the allegations that on 12.02.2021, Salender son of Budhi, Sarjit son of Dharampal, Krishan son of Ramjit, Ripak son of Sunder, Budhi son of Pyare, Dharampal son of Shyam Lal, all residents of Chandhut came and Salender fired a shot at his brother Braham. There were 3-4 unknown persons and while sitting in the car, were asking, to shoot at Braham. It is stated that on an earlier occasion, an FIR No.105 was registered against these persons in the year 2018 and they were putting pressure on the complainant side to compromise the matter. It is also stated that one Pali had threatened on an earlier occasion in this regard.

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Counsel for the petitioner has further submitted that after 06 days of the occurrence, the police record the statement of the injured Braham and he substitute Salender with the petitioner Rohit with the allegations that he has fired upon him on 12.02.2021. It is also submitted that the petitioner is a first offender and was not named in the FIR. It is further submitted that even in the FIR No.105 which finds mention in the present FIR, the petitioner is not an accused wherein the complainant is alleging enmity with the accused in the said FIR No.105. Counsel for the petitioner has, thus, submitted that by making improvement in the prosecution version, the petitioner was not named in the FIR.

Notice of motion.

Mr. Deepak Grewal, DAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State and on instructions from ASI Rajesh, has not disputed the factual position that the petitioner has been nominated in the case on the basis of the disclosure statement, however, it is submitted that the petitioner has also named one Kalu but the name of Kalu is also not stated in the FIR. It is further submitted that the petitioner is not involved in any other case and he was nominated after the statement of the injured/victim was recorded after 06 days of the occurrence.

After hearing the counsel for the parties, considering the fact that the petitioner, who is a young man aged about 22 years, is a first offender, I deem it appropriate to release the petitioner on anticipatory bail.

Accordingly, the present petition is allowed and the

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petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. *He shall make himself available for interrogation by a police officer as and when required;*
2. *He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
3. *He shall not leave India without previous permission of the Court.*

It will be open for the Investigating Officer to issue an advance notice in writing to the petitioner to join the investigation, if so required.

**(ARVIND SINGH SANGWAN)
JUDGE**

08.09.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No