

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

CRM-M-33111-2020

Date of Decision: 18.02.2021

Pawan Jakhar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Alisha Soni, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Mahavir.

(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.285 dated 10.05.2020 at Police Station Mujessar, Faridabad, under Sections 148/149/323/341/354/427/452/506 IPC and Sections 25/54/59 of the Arms Act (Sections 307/379-B IPC have been deleted).
2. This Court vide order dated 01.12.2020, passed the following order:

“This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.285 dated 10.05.2020 under Sections 148, 149, 323, 341, 354, 427, 452, 506 IPC and Sections 25/54/59 of the Arms Act registered at Police Station Mujessar, Faridabad.

On 16.10.2020, while issuing notice of motion, following order was passed by this Court :-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that the FIR was lodged on account of some fight between the children. As per allegations, Manoj, Vinod, Ajeet, Bhagat, Pawan and Rohtash caught hold of the complainant and snatched her neckchain and also attempted to snatch her ear-rings and touched her inappropriately. Further allegations are that the petitioner and others threw brick bats in the house of the complainant and damaged various articles besides causing injuries to the complainant, Brahmwat, Sunny, Satpal and Aashish. Offence under Sections 307 and 379-B IPC have been deleted. Co-accused, namely, Mayank, Sahil and Ajit @ Ajeet have been granted concession of regular bail vide order dated 4.8.2020 passed in CRM-M No.19003 of 2020.

Learned counsel for the petitioner further submits that the offence under Sections 452 and 354 IPC would remain debatable in the present case. Other offences are bailable in nature.

Notice of motion for 1.12.2020.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

In view of the fact that the offence under Sections 307 and 379-B IPC have been deleted and co-accused, namely, Mayank, Sahil and Ajit @ Ajeet have been granted regular bail by the High Court, therefore, I deem it appropriate to direct the petitioner to appear before the Investigating Officer to join investigation on 07.12.2020 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on *ad interim* bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List again on 28.01.2021.”

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. In view of the aforestated position, the petition is accepted and the interim directions issued by this Court vide order dated 01.12.2020 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.

18.02.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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