

CRM-M-38523-2021

Date of Decision: 01.10.2021

Parvinder and Ors.

...Petitioners

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Gautam Kaile, Advocate for the petitioners.
Mr. Gurbir Dhillon, AAG, Haryana.
*****B.S. Walia, J. (VC)**

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioners in case FIR No.342 dated 20.08.2021, registered under Sections 323/506/120-B/379-B/34 IPC, 1860 at Police Station Urban Estate, Rohtak, District Rohtak.
3. On 16.09.2021, the following order was passed:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Payer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioners in case FIR No.342 dated 20.08.2021, registered under Sections 323 / 506 / 120-B / 379-B / 34 IPC, at Police Station Urban Estate, Rohtak, District Rohtak.

Learned counsel contends that the petitioner has been implicated in a false case on the allegations that car No.DL-12Q-1845 belonging to petitioner No.1 was hit

against the motorcycle of the complainant, pistol blow was given on his head and Rs.1 lakh and mobile phone were snatched from him, that there were 4 men in the vehicle, but he could not identify them and that he was under apprehension that the attack was at the behest of his in-laws. However, now the complainant has given an affidavit that a scuffle had taken place and his mobile phone and Rs. 1 lakh had got misplaced in the scuffle but later on, he found the money as well as mobile phone from the place where the scuffle had taken place, that there was a dispute between him and his wife and due to misunderstanding he had thought that the incident was due to involvement of his wife and in-laws but neither his wife nor any of the petitioners had any role in the occurrence nor they had given any injury to him and he did not want any action against them. In addition thereto, copy of statement i.e. Annexure P-2 made by the complainant before the learned Civil Judge (Sr. Division)-cum- Additional Chief Judicial Magistrate, Rohtak in case titled as "State vs. Ankur and others" mentions that a scuffle had taken place with him on 19.08.2021 in view of which FIR was got registered and due to misunderstanding, he had mentioned in the same that he suspected the role of his in-laws. However, there was no involvement of his in-laws in the dispute and he did not want any action against them and he had no objection if they were granted bail.

Learned counsel further contends that it is apparent that a misunderstanding between the complainant and his wife has been blown out of proportion and the petitioners implicated in a false case.

Notice of motion.

Mr. Gurbir Dhillon, AAG, Haryana accepts notice and on instructions from ASI, Surinder confirms that the

complainant has given affidavit (Annexure P-1) as well as statement (Annexure P-2). In view of the position noted above as well as statement of learned State Counsel, the petitioners are directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioners be released on ad-interim pre-arrest bail, subject to their furnishing bail / surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioners shall also abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioners, shall stand vacated.

List on 01.10.2021.”

4. Today, learned counsel for the petitioners contends while learned State counsel on instructions from ASI Surinder confirms that pursuant to the order of this Court dated 16.09.2021, the petitioners joined investigation, fully cooperated with the police, were released on ad interim pre arrest bail and that their custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 16.09.2021, passed by this Court, is made absolute. The petitioners shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

01.10.2021

‘Amit’

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