

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.34802-2020
Date of Decision: March 31, 2021

Kirti Goyal and another

.....Petitioner

Vs

State of Haryana

.....Respondent

CRM-M-34322 No.2020

Monika Goyal and others

.....Petitioners

Vs

State of Haryana

.....Respondent

CRM-M No.34831-2020

Vikas Kamra @ Vikas Kumar

.....Petitioner

Vs

State of Haryana

.....Respondent

CRM-M No.35444-2020

Swasti Rani @ Swati Rani

.....Petitioner

Vs

State of Haryana

.....Respondent

CRM-M No.36367-2020

Neety Bansal and another

.....Petitioners

Vs

CRM-M No.34802-2020 and other connected cases	2
State of Haryana	Respondent
CRM-M No.36567-2020	
Harwinder lala and another	Petitioners
Vs	
State of Haryana	Respondent
CRM-M No.38019-2020	
Vikram Kumar	Petitioner
Vs	
State of Haryana	Respondent
CRM-M No.38091-2020	
Gobind Ram	Petitioner
Vs	
State of Haryana	Respondent
CRM-M No.38111-2020	
Vikram @ Vikramjeet Singh	Petitioner
Vs	
State of Haryana	Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S. K. Garg Narwana, Senior Advocate with
Mr. Vishal Garg, Advocate for the petitioners
in CRM-M-34802-2020

Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate
for the petitioners in CRM-M-34322-2020

Mr. Manish Kumar Singla, Advocate
for the petitioner in CRM-M-34831-2020

Mr. Aditya Sanghi, Advocate
for the petitioners in CRM-35444-2020.

Mr. Shubham Kaushik, Advocate
for the petitioners in CRM-36567-2020.

Mr. P. S. Sekhon, Advocate
for the petitioners in CRM-38019,38091,38111-2020.

Mr. Mahir Sood, Advocate
for the complainant (in all the cases).

Mr. Anant Kataria, DAG., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The cases have been taken up for hearing through
video conferencing.

In compliance of order dated 21.1.2021 the status
report filed by the State is taken on record.

Vide this common order CRM-M-34802-
2020,34322,34831,35444,36367,36567,38019,38091 and 38111
of 2020, are being disposed of. Petitioners in all the aforesaid
cases seek grant of anticipatory bail in case bearing FIR No.
154 dated 16.10.2020 registered under Sections 306, 34 IPC at
Police Station Jakhal, District Fatehabad.

On 12.11.2020, accused-petitioners were directed to

appear before the SHO/investigating Officer to join investigation. Interim bail was granted to them to the satisfaction of the Arresting Officer. They were directed to abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Learned State counsel on instructions from SI Gurmail Singh submits that the petitioners have joined the investigation to the satisfaction of the Investigating Officer, however, in CRM-M-34802-2020 there are allegations against the son of petitioner No.2 i.e. Sahil Mittal who has been involved in celebratory firing after grant of interim bail and even firing incident has been uploaded on social media also. FIR No. 197 dated 20.11.2020 has also been registered against him for the offences under Sections 285 IPC and 27, 29 and 30 of Arms Act registered at Police Station Jakhal.

Learned Senior counsel appearing on behalf of the petitioners in the aforesaid petition submits that Sahil Mittal has already been granted anticipatory bail on 12.3.2021 in CRM-M-No. 8912 of 2021 by observing the following facts:-

“Learned State counsel, assisted by learned counsel for the complainant, further submitted that the custodial investigation of the petitioner is required to effect the recovery of the weapon.

In reply, learned senior counsel has submitted that in the investigation of the police as well as in the aforesaid affidavit of DSP, Toahan, neither it is verified that the original recording of the video was supplied by the complainant nor it has come that the petitioner ever extended any threat to complainant. It is further submitted that even a bare perusal of the FIR shows that no such

allegations are made.

Learned senior counsel further submitted that the police has not verified as to who has posted the video on the social media and there is no verification regarding the date when the CD was prepared or the video was uploaded.

Learned senior counsel further submitted that even as per the provisions of Section 25 of the Arms Act, an offence is committed where any gun fire is made in public gatherings, religious places, marriage parties or other functions, whereas even as per the allegations in the FIR, the fire were allegedly shot on the terrace of the house of the petitioner and there was no person from the public and the house of the complainant is 500 feet away from there.

Learned senior counsel has lastly argued that it is not the case of the complainant that he has himself made any recording of the incident and, therefore, such evidence is to be proved during the course of trial.

After hearing learned counsel for the parties, without

commenting anything on the merits of the case, considering the aforesaid submissions made by learned counsel for the parties, I find force in the arguments raised by learned senior counsel.

Accordingly, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation by issuing him a written notice in this regard.

(Arvind Singh Sangwan)

Judge

12.3.2021

Waseem Ansari”

Learned counsel for the complainant, however
opposed the grant of bail on the ground of threat perception in

view of the facts on record.

Learned counsel for the petitioners submitted that in compliance of the aforesaid order, the petitioners in other cases have joined the investigation.

Learned State counsel on instructions from SI Gurmail Singh admitted the aforesaid fact and submitted that the petitioners are no more required for further investigation of the case.

In view of aforesaid factual position, the interim order (s) dated 12.11.2020, 17.11.2020 and 19.11.2020 are made absolute. Petitioners shall keep on joining the investigation as and when required to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

All the petitions stands disposed of.

March 31, 2021
archana

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No