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

CRM-M-45504-2021

Date of decision : 20.12.2021

Mahender @ Mahendra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Sandeep Kumar Yadav, Advocate and
Mr. Vikram Bishnoi, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.360 dated 19.10.2021 registered under Sections 148/149/285/323/336/506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, at Police Station Nangal Chaudhri, District Mahendergarh, Haryana.

On 29.10.2021, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that the present case is a case of version and cross version and there is no MLR showing any injury having been caused to any person.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 20.12.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

29.10.2021”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 29.10.2021, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from SI Randhir Singh, has submitted that the petitioner has joined the investigation on 18.12.2021 and is not required for any further custodial interrogation.

Learned counsel for the complainant, on the other hand, has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that the petitioner alongwith other co-accused had committed the offences as stated in the FIR and the said offences are serious in nature, and thus, the petitioner should not be granted the concession of anticipatory bail.

Keeping in view the abovesaid facts and circumstances, moreso the facts which have been noticed in the order dated 29.10.2021 and also the fact that the present case is a case of version and cross-version and there is no MLR showing injury which might have caused to any person and the fact

that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 29.10.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

20.12.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No