

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-42880-2020

Date of Decision: 19.04.2021

Rajesh Kumar

..... Petitioner

Vs

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr.S.S.Duhan, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

This petition has been preferred under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No.203 dated 12.06.2010 registered under Sections 147, 148, 149, 332, 353, 186 and 188 IPC, Section 3/3/84 of Prevention of Damage to Public Property Act, 1984 and Section 187 of Panchayati Raj Act, 1994 at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner submits that FIR No.512 was registered on 22.10.2020 under Section 174-A IPC and the said FIR has been quashed by this Court vide order of even date. In FIR in question, no arrest was made by the police.

The FIR was registered against 300-400 unknown persons of the village. The petitioner was never sought to be summoned in accordance with law and the order declaring him as proclaimed person has been set aside vide order of even date i.e. 19.04.2021. On 18.12.2020, notice of motion was issued and the arrest of the petitioner was stayed.

Learned State counsel, however, opposed the bail on the ground that proclamation was duly served upon the petitioner and he was lawfully declared to be proclaimed person. Since the petitioner was minor at the time of registration of the FIR No.203 dated 12.06.2010 for the offences in question, therefore, it would be debatable as to the status of petitioner being a child in conflict with law on the date of occurrence.

In view of the above said position, the present petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on **25.04.2021** and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner 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/her from disclosing such facts to the Court or to any police officer;

iii)that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

(RAJ MOHAN SINGH)
JUDGE

19.04.2021
Anju

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No