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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44237-2020
DECIDED ON: 19th JANUARY, 2021

SANJAY

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Narender Singh Kamboj, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Jagjit Singh Gill, Advocate
for the complainant.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to
COVID-19 situation.

This is a petition for anticipatory bail in case of FIR No. 432 dated
16.12.2020, under Sections 147, 148, 149, 294, 506 of the IPC, 1860 and Section
25 of The Arms Act, 1959, registered at Police Station Mandi Dabwali, District
Sirsa.

The FIR was at the instance of the complainant to take action against
Ranjit Singh, Sanjay Gugnani, Kuljeet, Virender Narang alias Raju, Parveen
Kumar and Lovely. As per the allegations, there was a dispute with regard to

freight of the goods being transported during the COVID period. The allegations are that the freight was hiked and due to non-payment, the goods were not being released by the transporters. It was stated in the FIR that certain armed persons including the petitioner attacked the office of the complainant but as the door was closed they could not enter. It was claimed that there is CCTV footage of the incident.

On 30th December, 2020, learned counsel for the State sought time to file an affidavit as to whether the petitioner is visible in the video clipping produced by the Public Prosecutor.

Affidavit dated 12.01.2021 was filed. Para 7 of the affidavit is as quoted below:-

7. "That no person has been stated to be accused/petitioner-Sanjay in video clipping. However, it has been stated by the complainant that the persons visible in the video clip had come on the spot due to the conspiracy hatched by petitioner/accused-Sanjay. Translated copy of the statement of complainant-Sanjay dated 05.01.2021 is attached herewith as annexure R-1."

Considering that as per the affidavit, the petitioner is not visible in the video clipping; he is not the persons who have been stated to be with armed with guns or rods, the petitioner is granted anticipatory bail subject to joining the investigation within two weeks. He shall be bound by the conditions under Section 438 (2) Cr. P.C. In case of arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating/Arresting Officer. He is directed to join the investigation as and when called.

The petition stands disposed of.

It is clarified that in case of failure of the petitioner to join investigation within the stipulated time, the State would be at liberty to move an application for re-calling the order.

19th JANUARY, 2021
shabha

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>