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

CRM-M-51390-2021

Date of decision : 09.12.2021

Sanjeev and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikram Singh, Advocate for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.719 dated 13.10.2021 registered under Sections 186, 332, 353, 506, 34 of the Indian Penal Code, 1860 at Police Station Indri, District Karnal.

Learned counsel for the petitioners has submitted that in the present case, even as per the prosecution version, no injury had been caused to the complainant. It is further submitted that in fact, the petitioners have recording of the said incident in a CD (Annexure P-1) and in the same, it is apparent that the complainant was drunk and was not in his uniform and was restraining the petitioners from entering into the grain market without any reason and was threatening the farmers that he will allow the gate pass to

people as per his own wishes. It is further argued that an application dated 14.10.2021 (Annexure P-2) was given by petitioner No.1 to the SHO, Police Station Indri, by incorporating the details of the said incident and by stating that it is the said policeman who was drunk and was in civil dress. He further contends that the petitioners are not involved in any other case.

Notice of motion.

On advance notice, Mr. Manish Dadwal, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioners and has, on instructions from ASI Krishan Lal, submitted that in the present case, as per version in the FIR, the petitioners had stopped the complainant who was Home Guard in Second Reserve Karnal and was discharging his duty and they had abused the said complainant and had obstructed the complainant and had even threatened the said complainant also. He has further contended that as per the prosecution version, it is after the duty of the complainant was over, that he had changed the uniform and for that reason, he was in civil dress.

This Court has heard the learned counsel for the parties and has perused the record.

No injury had been caused to the complainant. Petitioner No.1 had also given a complaint/application dated 14.10.2021 to the SHO, Police Station Indri, by stating that it was the complainant who was drunk and was in civil dress and was misbehaving with the farmers. To support the said application, CD with respect to the incident has also been annexed with the

present petition as Annexure P-1. The petitioners are stated to be not involved in any other case. It would be a matter of trial as to whether the version given in the FIR or version given in the application dated 14.10.2021 (Annexure P-2) is correct or not.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioners are granted the concession of anticipatory bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioners shall join the investigation as and when called upon to do so.

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.

09.12.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**