

Dr. Sharvan Kumar

...Petitioner.

V/S

State of Haryana

...Respondent.

CORAM: HON'BLE MR. JUSTICE B.S. WALIA.

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Present: Mr. Vikram Punia, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

Mr. Chanderhas Yadav, Advocate for the complainant.

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**B.S. WALIA. J. (VC)**

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.458 dated 27.11.2019, registered under Sections 323/285/506/34 IPC of 1860 & Section 25 of the Arms Act, 1959 at Police StationKundli, District Sonapat.

3. On 06.01.2020, the following order was passed:-

“Prayer in the petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.458 dated 27.11.2019 registered under Sections 323, 285, 506, 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Kundli, District Sonapat.

Learned Counsel for the petitioner has argued that it is a case of professional rivalry. The petitioner and his companion were attacked by the complainant and his sons who also

defaced the advertisements of the clinic of the petitioner. The petitioner has been falsely implicated for having got defaced the advertisements of the clinic of the complainant painted on the wall and having fired in the air, caused injuries to the complainant and his sons and intimidated them. The injuries allegedly caused to the complainant and his sons were simple. All offences except offence punishable under Section 506 of the IPC alleged to have been committed by the petitioner are bailable.

Notice of motion

On the asking of the Court, Mr. Arjun Singh Yadav, AAG Haryana accepts notice on behalf of the respondent-State.

At this Stage Mr. Chanderhas Yadav, Advocate has put in appearance on behalf of the complainant and filed his power of attorney which is taken on record.

Copies of the paper book have been supplied to the learned State Counsel and learned Counsel for the complainant who seek time to file reply.

Adjourned to 18.02.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall forfeit the benefit of interim bail allowed to them.”

4. Today, learned counsel for the petitioner contends while learned State Counsel on instructions from *ASI Paramvir Singh*, confirms

that pursuant to the order of this Court dated 06.01.2020, the petitioner joined investigation, cooperated in the same, was released on ad-interim pre-arrest bail and his custodial interrogation is not required.

5. In view of the statement of the learned State Counsel, order dated 06.01.2020, passed by this Court, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be deemed to be an expression of opinion on the merits of the case.

6. Petition stands disposed of in the aforementioned terms.

**(B.S. Walia)**  
**Judge**

30.07.2021

*'Rajesh-Parveen*

*Whether speaking/ reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*