

106

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

CRM-M-1246-2022

Date of decision : 13.01.2022

Diwan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.P. Jangu, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.346 dated 15.11.2021 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 Bawal, District Rewari.

FIR has been registered on the statement of Manjeet son of Randhir, who has alleged that he is doing the business of farming and on 14.11.2021, the complainant alongwith four other persons had gone to his friend Ashok's son wedding and while going there, they met one Pradeep (co-accused) where a slight issue had happened and thereafter, when the

complainant had come to the tubewell, then he called up Pradeep and Pradeep thereafter threatened the complainant that he would come and shoot him and started abusing the complainant using filthy language and thereafter, a large number of persons including the present petitioner, came over there. The petitioner alongwith some persons were sitting in a Swift car and there were 20-25 persons who had come on 8-10 bikes and had parked their bikes at a distance of 1 km, away from the tubewell and the said persons had wooden sticks and pipes in their hand and then, started running after the complainant party. When Virendra and Krishna-complainant party, fell down, the abovesaid persons had beaten the said Virendra and Krishna with *danda*. It is alleged that the persons who were sitting in the car were not having *danda* and Handa (co-accused) fired in the air and took away the empty shell. It is further alleged that Manish @ Goi and Pradeep had beaten up Krishna and the others had beaten up Virendra and thereafter, the accused persons ran away.

Learned counsel for the petitioner has submitted that neither there is any injury attributed to the present petitioner nor the petitioner is stated to be armed with any weapon inasmuch as he was sitting in the car and even as per the FIR, the persons sitting in the car were not carrying the sticks. It is submitted that in fact, no specific overt act has been attributed to the petitioner and even the alleged injuries caused to Krishna and Virendra are simple in nature. It is further submitted that in the impugned order vide which, the bail application of the petitioner has been rejected, there is a reference of two FIRs, in which, the petitioner has

been acquitted and for the said purpose, learned counsel has referred to the judgments dated 10.09.2014 (Annexure P-10) and 28.04.2017 (Annexure P-11).

Notice of motion.

On advance notice, Mr. Praveen Bhadu, 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 petitioner and has submitted that the petitioner was also one of the people who alongwith other persons involved in the incident in question. The other factual averments, however, could not be disputed by the learned State Counsel.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that in the present case, no injury has been attributed to the petitioner and the petitioner is not alleged to have been armed with any weapon and even no overt act attributed to the petitioner and the injuries which have been allegedly caused to Krishna and Virendra are simple in nature and even the threat has been given by Pradeep (co-accused) and not by the petitioner and also, the fact that the petitioner has already been acquitted in the two cases in which the petitioner was earlier involved, vide judgments dated 10.09.2014 (Annexure P-10) and 28.04.2017 (Annexure P-11), thus, the present petition for grant of anticipatory bail to the petitioner is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his

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 petitioner shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioner fails to join the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

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.

13.01.2022

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**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No