

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-3018-2021

Date of decision : 07.02.2022

Ramesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rajnikant Upadhyay, Advocate
for the petitioner.

Mr.Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.858 dated 31.12.2020 registered under Sections 379-B, 506 IPC at Police Station City Sonapat, District Sonapat.

On 15.02.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“Counsel for the petitioner submits that the petitioner has been falsely involved in the present FIR. In fact, before the date of alleged incident, there was some dispute between the parties. There is no other case of similar nature pending against the petitioner except FIR No.549 dated 08.08.2020 under Sections 323/325/506 IPC.

Adjourned to 20.05.2021.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the

satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) CrPC.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and in fact in the present case, the complainant has given affidavit to the effect that the present petitioner has not committed any theft and the complainant does not want to further proceed against the petitioner.

Learned State counsel, on instructions from ASI Hari Om, has submitted that the petitioner has joined the investigation and has not disputed the fact with respect to the affidavit having been given by the complainant to the effect as has been stated by learned counsel for the petitioner.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 15.02.2021 and also the fact that the petitioner has joined the investigation and the complainant has given affidavit that he does not want to pursue against the petitioner, the present petition for anticipatory bail is allowed and the interim order dated 15.02.2021 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

February 07, 2022

Davinder Kumar