

211-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4884-2022

Date of decision: 06.04.2022

SHRIKANT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Shokeen Singh Verma, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. Abhishek Kaushik, Advocate
for the complainant.

VIVEK PURI,J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 509 dated 09.07.2021, registered under Sections 323/354/506/120-B IPC, 1860 at Police Station Kharkhoda, District Sonapat.

On 14.02.2022, the following order was passed:-

"Petitioner is seeking anticipatory bail in case bearing FIR No.509 dated 09.07.2021 under Sections 323, 354, 506 and 120-B IPC, registered at Police Station Kharkhoda, District Sonapat.

Briefly, the allegations against the petitioner and the co-accused are to the effect that on 04.07.2021, they had inflicted injury and outraged the modesty of the complainant.

Learned counsel for the petitioner contends that the present FIR has been registered as a counter-blast to the FIR No. 500 of 2021 registered at Police Station Kharkhoda at the instance of the daughter of the petitioner. The daughter of the petitioner and complainant are Kabaddi players and on the evening hours of 04.07.2021, the daughter of the petitioner was given beatings by the family members of the complainant.

Consequently, the present FIR has been registered as a counter-blast and as a result of afterthought. The injury on the person of the complainant are simple in nature, no allegation of outraging the modesty has been levelled against the petitioner and even no specific injury has been attributed to him. Moreover, the co-accused, namely, Anita has been granted interim bail and furthermore, the petitioner was not present at the time when police officials visited the village and were inflicted injuries by the villagers as they had given shelter to the accused and FIR No.576 dated 07.08.2021 under Sections 148/149/186/332/341/353/341/365 and 395 IPC was registered.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG Haryana accepts the notice on behalf of respondent-State. Mr. Abhishek Kaushik, Advocate has put in appearance on behalf of the complainant.

Adjourned to 06.04.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of the interim directions issued by this Court, the petitioner has joined the investigation and even the Investigating Agency is contemplating to present the cancellation report in the matter.

On instructions from ASI Reena, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 14.02.2022, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under

Section 438(2) Cr.P.C.

The petition is allowed.

06.04.2022
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(VIVEK PURI)
JUDGE

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