

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

208

CRM-M-5342-2022

Date of decision: 16.05.2022

ROHIT ALIAS DEVIL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Anuj Arya, Advocate for
Mr. Naveen Kumar Jaglan, Advocate
for the petitioner.

Mr. Sumit Gupta, Addl. Advocate General, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., wherein the petitioner seeks the indulgence of anticipatory bail.

2. In FIR bearing No.602 of 14.08.2021, registered at Police Station Quila, Panipat, offences constituted under Sections 148, 149, 216, 323, 436, 452, 506 IPC, are embodied.

3. In the petition FIR, though the name of the present bail petitioner does not occur, but a perusal on the reply furnished to the instant petition reveals, that his participation in the petition crime was

disclosed in the disclosure statement, made by the accused, who are, named in the petition FIR, and, also, from the making a disclosure statement, by co-accused Gaurav.

4. Consequently, the present bail petitioner becomes a member of the unlawful assembly, some of whose members made an assault upon the aggrieved, and, also committed the other offences carried in the petition FIR.

5. Be that, as it may, irrespective of the fact, that the present bail petitioner was a member along with the other co-accused, in the unlawful assembly yet, when it is revealed, in the reply, on affidavit furnished to the present petition, that apart therefrom, he did not wield at the relevant time, any weapon of offence, nor, obviously, when he did not cause any injury with purported user thereof, hence, on the person of the victim. Therefore, he is not required, at this stage, to be making any recoveries of any weapon of offence to the Investigating Officer concerned.

6. In consequence, since it is stated in the reply furnished, to the petition by the respondent-State, that he is fully co-operating with the investigating officer concerned, qua the investigations, which are underway in the FIR (supra), and, also when, at this stage, no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to anticipatory bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence. In consequence, this Court becomes constrained to admit the present petitioner to anticipatory bail.

7. In nutshell, the instant petition is allowed, and, the order made by this Court on 09.02.2022, is made absolute subject to his rendering co-operation to the investigating officer concerned, and, his not influencing the prosecution witnesses, and, also his not tampering with the prosecution evidence.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

16.05.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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