

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

208

CRM-M-6422-2022

Date of decision: 14.03.2022

DEEPAK

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Anirudh Singh Shera, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case, FIR No.701 dated 15.12.2021 registered under Sections 148, 149, 452, 427, 323 and 506 of the Indian Penal Code, 1860 at Police Station Kundli, District Sonapat.

The above-said FIR was registered on written complaint of Sunny on the averments that on 10.12.2021 at about 9.45 P.M., 5-6 persons (Sikhs/Sardars in appearance) came to take their meals and when he demanded the bill they stated that they would pay the same within five minutes. After 10-15 minutes, 20-25 persons armed with sharp edged weapons and dandas came there and started beating the complainant. The complainant suffered serious head injuries as well as

injury on his waist. His gold chain was got missing during the process. His partner Vineet and his cousin also suffered serious injuries in the incident. During the occurrence, one phone, laptop, card machine and some cash was also got missing. One of the assailants disclosed his name as Billa Hiddan who stated that if any action will be initiated against them then he (complainant) would be killed. The present FIR was got registered.

Further, on 05.02.2022, complainant presented his supplementary complaint in which he supporting the contents of FIR stated that besides said Billa Deep Singh, two other persons namely Mohit Deshwal and Deepak (present petitioner) were also involved in the above mentioned occurrence.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Vipin Kadian, HPS, Deputy Superintendent of Police, Head Quarter, Sonipat in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not named in the FIR and was nominated as an accused on the supplementary statement of complainant. The petitioner was not found at the spot. The petitioner is not attributed to have inflicted any injury upon the complainant or any other person. Nothing is to be recovered from the petitioner and his custodial interrogation is not at all required.

The petitioner is ready and willing to join the investigation.

Opposing the contentions, learned State Counsel in view of reply has vehemently argued that custodial interrogation of the petitioner was required for thorough and fair investigation. The petitioner had actively participated in the commission of the aforesaid offences and he has been specifically named in the supplementary statement of complainant as well as in the statements of injured/eye-witnesses. Therefore, the present petition for grant of anticipatory bail may be dismissed.

After having heard and considering the factual position discussed above that the name of the petitioner has been cropped up in the supplementary statement of the complainant, no injury/role is attributed to the petitioner and that the custodial interrogation of the petitioner is not required, the present petition is disposed of with a direction to the petitioner to join the investigation and remain present as and when called for and in the event of arrest, the petitioner shall be admitted to 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. failing which the protection of anticipatory bail order shall not be available to him.

14.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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