

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6635-2022 (O&M)
Date of Decision:-16.3.2022

Anikesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Fateh Saini, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Rohtash.

Mr. Nitin Kumar Sharma, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.981 dated 29.11.2021, Police Station Barwala, District Hisar under Sections 342, 384, 394 and 34 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Sumit, wherein it is alleged that on 28.11.2021, he received a telephone call on his mobile phone at about 4:00 p.m. from a phone No.88149-06970 and the caller asked him to meet him at once near Gianpura, Bus Stand. When the complainant reached Gianpura, Bus Stand, he met a person, who was sitting on a bike and who

took him along to his fields in Village Kharak, where two other persons were present. It is alleged that all 3 of them took him to the bank of canal about 2 kilometers away and gave beatings to him and snatched an amount of Rs.2,500/-, which he was carrying. It is further alleged that the said persons also used complainant's mobile phone and made a call at his residence and demanded an amount of Rs.50,000/- from his mother while threatening her that upon failure to do so, the complainant would be thrown in canal.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated subsequently on the basis of a supplementary statement of the complainant. Learned counsel has further submitted that subsequently the complainant has furnished an affidavit dated 31.1.2022 (Annexure P-2), wherein he has deposed that the FIR came to be lodged under some misunderstanding and that he has no objection for quashing of the FIR or for grant of bail to the accused.
4. Opposing the petition, learned State counsel has submitted that during the course of investigation it has been found that the mobile phone No.88149-06970, from which the call had been made to the complainant, belongs to the petitioner and that, as such, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner otherwise has clean antecedents and is not involved in any other case.
5. At this stage, Mr. Nitin Kumar Sharma, Advocate representing the complainant has endorsed the fact that it is the complainant, who has executed the affidavit (Annexure P-2) and that he has no objection for grant of bail to the petitioner.
6. I have considered rival submissions addressed before this Court.

7. Having regard to the nature of allegations and the fact that the complainant himself does not wish to take any action against the petitioner and has no objection for grant of bail and while also noticing that the petitioner otherwise has a clean record, the petition is accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

16.3.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No