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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-8265-2022
Date of decision : 25.02.2022

Rajeev

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.346 dated 15.11.2021 registered under Section 25 of the Arms Act, 1959 and Sections 148, 149, 285, 323, 336 and 506 of the Indian Penal Code, 1860 (Sections 212, 307, 325 of IPC have been added later on) at Police Station Bawal, District Rewari.

FIR has been registered on the statement of Manjeet son of Randhir, who has alleged that he is doing the business of farming and on 14.11.2021, the complainant alongwith four other persons had gone to his friend Ashok's son wedding and while going there, they met one Pradeep (co-accused) where an altercation had happened and thereafter, then when the complainant had reached his well, he called up Pradeep and Pradeep threatened the complainant that he would come where he was and shoot him and started

abusing the complainant using filthy language and thereafter, 5 persons as have been named in the FIR, came over there and sat with him. Thereafter 5 more persons came to the spot in a car. It was also stated in the FIR that after the said persons had arrived, there were 20-25 persons who came on 8-10 bikes and when the said persons started chasing the complainant party, then Virender and Krishan fell down and were given beating and two of those persons who had inflicted injuries, were recognized by the complainant as Manish @ Goi and Pardeep. It was further alleged that co-accused Handa had shot a fire in the air and had taken back the empty cartridge and Manish @ Goi and Pardeep had given beatings to Krishan and other persons had given beatings to Virender.

Learned counsel for the petitioner has submitted that neither the petitioner has been named in the FIR nor any overt act has been attributed to him. It is further submitted that specific allegations have been levelled against Pardeep who is stated to have given beatings to Krishan and also against Handa who is stated to have fired a shot in the air. It is also argued that in the present case, affidavit has been given by the complainant-Manjeet (Annexure P-2) who has specifically stated therein that the present petitioner had not caused any injury and he had only intervened to compromise the matter. It is further contended that in the present case, Section 307 of the IPC is not made out inasmuch as it has been added on account of gunshot fire in the air whereas no gunshot injury has been caused to any person and even the said shot was fired in the air by Handa and not the present petitioner. It is argued that co-accused of the petitioner namely Diwan, who was named in the FIR, has already been granted anticipatory bail vide order dated 13.01.2022 passed in CRM-M-1246-2022 and the case of the petitioner is on better footing than the said Diwan, co-accused.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that the petitioner was also one of the people who, alongwith other persons, was involved in the incident in question. The other factual averments, however, could not be disputed by the learned State Counsel. He has also pointed out that the petitioner is involved in one more case i.e. FIR No.64 dated 10.04.2021.

Learned counsel for the petitioner, in rebuttal to the said argument, has submitted that the petitioner has already been granted anticipatory bail in the said case by the Court of Additional Sessions Judge, Rewari and has referred to the orders (Annexures P-4 and P-5) in the said regard.

This Court has heard the learned counsel for the parties and has perused the paper book.

It is not in dispute that the petitioner has not been named in the FIR and no specific overt act has been attributed to him. The persons who are stated to have given injuries to Krishan are Manish @ Goi and Pardeep and the person who had fired in the air is one Handa and the affidavit which has been given by the complainant-Manjeet was also placed on record before the Additional Sessions Judge, Rewari and the same had been noticed in para 6 of the order dated 03.02.2022 (Annexure P-3), vide which the case of the petitioner for anticipatory bail was rejected. It has been stated by the said Manjeet-complainant in the said affidavit that the present petitioner had not

inflicted any injuries and had only intervened for getting the compromise effected. The co-accused of the petitioner namely Diwan has already been granted anticipatory bail by this Court vide order dated 13.01.2022 passed in CRM-M-1246-2022 and the case of the petitioner is on better footing than the case of said Diwan as the petitioner has not even been named in the FIR and nothing is to be recovered from the petitioner.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

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 application.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

25.02.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No