

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18951-2022

Date of decision : 16.08.2022

Rahul Kadiyan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Neeraj Sheoran, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.766 dated 17.11.2021 registered under Sections 323, 506 read with Section 34 IPC and Section 25 of the Arms Act, 1859 at Police Station Chandni Bagh, District Panipat.

On 06.05.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, as per the FIR, three unknown persons had beaten up the complainant. It is further submitted that in the supplementary statement, the complainant had stated that four persons had beaten him up which included Rakesh but, did not include the present petitioner. It is argued that thus, as per the prosecution case, neither the petitioner was present at the spot nor did he cause any injury to the complainant. It is further argued that the petitioner has been implicated solely on the basis of disclosure statement of Rakesh and in the said disclosure statement, even Ramesh had been implicated. It is contended that the said Ramesh has been granted the concession of anticipatory

bail by the Additional Sessions Judge, Panipat vide order dated 04.05.2022. It is further contended that the recovery of sticks allegedly used in the commission of the offence and mobile phone has also been effected in pursuance of the disclosure statement of the four persons who had been stated to have beaten up the complainant in the supplementary statement given by the complainant and thus, no recovery is to be effected from the present petitioner. It is further stated that the case of the petitioner is on better footing than the case of Rakesh, whose anticipatory bail application has been dismissed, inasmuch as it was said Rakesh who was present at the spot and who has been alleged to have given injuries to the complainant and it was further stated in the dismissal order that the said Rakesh did not cooperate with the investigation after having been granted interim protection by the Additional Sessions Judge and there were also call records of the said person with the other accused. It is further argued that in the other cases in which the petitioner is involved, the petitioner has already been granted bail.

Notice of motion for 18.07.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

06.05.2022”

Thereafter on 18.07.2022, this Court was pleased to pass the following order:-

“Learned State counsel, on instructions from ASI Naresh, has pointed out that the petitioner has not joined the investigation.

The petitioner is again directed to join investigation on 25.07.2022 at 11:00 AM.

Adjourned to 16.08.2022.

Interim order to continue.

July 18, 2022.”

Learned counsel for the petitioner has submitted that in pursuance of the said orders, the petitioner has joined the investigation.

Learned State counsel, on instructions of ASI Naresh, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 06.05.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 06.05.2022 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

August 16, 2022
Davinder Kumar

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