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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18802-2020 (O&M)
Date of Decision:15.02.2022

Kapil

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Sharmila Sharma, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Ms. Deepali Gupta, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.81 dated 16.03.2020, registered under Sections 323, 342, 379-A, 506 and 34 IPC at Police Station Adampur, District Hisar. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

The FIR was registered on the statement of Dharambir Singh and the allegations as noticed by the ld. Addl. Session Judge, Hisar in the order dated 06.07.2020 are as under:

“Per allegations, on 08.03.2020, complainant Dharambir was present at his garden. At that time, Kapil came to his garden on his car bearing registration no. DL-9C-9702. In the meantime, 5-6 other persons also came there and they forcibly picked him and pushed him in the car. They beaten him up and obtained his sign on some blank papers with revenue stamps and also snatched amount of Rs.13,000-14,000/- from him. Thereafter, they threw him from the car. On these allegations, present FIR was got registered.”

Learned counsel for the petitioner has argued that the alleged

occurrence took place on 08.03.2020, but the FIR was lodged on 16.03.2020 after unexplained delay on the basis of complaint by Dharambir Singh. She has further argued that initially, the complainant levelled allegations against Sandeep s/o Azad (brother of petitioner), but subsequently, he changed the stand and stated that the crime was committed by petitioner (Kapil). She has pointed out that as per allegations, complainant was forcibly taken in vehicle bearing No.DL-9C-9702, who was given beatings and was forced to sign certain documents including cheques. According to her, the said stand is not supported by any other evidence like MLR of the complainant, and admittedly, the said documents were never put to use in any manner. She prays for anticipatory bail.

The prayer is opposed by learned State counsel assisted by SI Rajpal as well as learned counsel for the complainant, on the ground that the petitioner is an accused in various cases and in this regard, he has invited the attention of the Court to the observations contained in the order declining the anticipatory bail. He refers to one of the complaint, which was given by complainant's son Sushil Kumar to the Commissioner of Police, whereby allegedly in a similar manner, the son of the complainant was forced to sign certain documents. He further submits that the vehicle used in the crime is not in existence, as there is no record of the said registration No. DL-9C-9702.

However, it is not disputed that pursuant to the order dated 27.07.2020, the petitioner has joined the investigation, but according to him, the petitioner is not cooperating, as he is not disclosing the names of his accomplices and further the recovery of documents forcibly got signed from the complainant is yet to be made.

At this stage, learned counsel for the petitioner has argued that the vehicle number was given by complainant, and no details of the cheques, much less the name of the concerned bank have been given in the FIR. According to her, son of the complainant previously had given a complaint against petitioner to Delhi police, but no case has been registered and this shows that the complaint is bent upon to falsely implicate the petitioner.

After hearing the learned counsel and considering the nature of offences, this Court finds it to be a fit case for grant of pre arrest bail to the petitioner, as learned State counsel has failed to explain the alleged non cooperation on the part of the accused. Consequently, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that in the event of arrest of the petitioner, he be released on bail subject to his furnishing requisite bonds to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall continue to join the investigation as and when called upon to do so and shall also abide by the conditions enshrined under Section 438 (2) Cr.P.C.

15.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No