

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

CRM-M-22946-2022 (O&M)
Date of Decision:- 24.11.2022

Sanjeev Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jagjot Singh Lalli, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.
assisted by SI Sultan Singh

Mr. Karambir Singh Nalwa, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.221 dated 14.5.2022, Police Station Taraori, Karnal, under Sections 323, 384, 387, 452, 506 and 34 of Indian Penal Code.
2. At the time of issuance of notice of motion on 25.5.2022, the following order was passed :

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.221 dated 14.5.2022, Police Station Taraori, Karnal, under Sections 323, 384, 506 and 34 of Indian Penal Code.

The FIR was lodged at the instance of Ravijit Singh Dhillon, wherein it is alleged that two persons namely Sanjeev Kumar @ Kala (petitioner) and Sunny had been coming to his petrol pump on several occasions and had been demanding a monthly amount/extortion amount but they had been ignoring their demand. It is alleged that on 13.5.2022 at about 09:30 p.m. Sanjeev Kumar @ Kala called on his telephone and demanded his personal car, which he refused. It is alleged that on the day of occurrence i.e. on 14.5.2022, both

the aforesaid persons came to his petrol pump on a motorcycle and created a ruckus and disrupted the working of petrol pump and manhandled the staff and also threatened the labour, which had been constructing the entry of the petrol pump. It is further alleged that thereafter Sanjeev Kumar @ Kala entered the office of petrol pump and threatened the Manager Ravinder Singh that he would be killed in case the accused are not given the money as demanded by them.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that as a matter of fact the petitioner and the complainant are residents of the same village and on 13.5.2022, the petitioner's wife, who was in family way, was required to be taken to hospital and he had requested the complainant to lend him his car but the complainant refused and that on the next day i.e. on 14.5.2022, when the petitioner alongwith Sunny went to the petrol pump of the complainant, he saw that some labourers were raising illegal construction on government land, to which he objected. It is alleged that thereafter the petitioner submitted a complaint to SHO concerned but no action had been taken thereupon and that the complainant has, on the other hand, lodged the present FIR as a counter blast. Learned counsel, in this regard, has referred to the application (Annexure P-3) submitted by the petitioner to the SHO concerned on 14.5.2022.

Notice of motion for 12.10.2022.

At this stage, Mr. Chakitan V. S. Papta, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record.

Learned counsel for the complainant has submitted that the petitioner has been changing his stand and that while before the Trial Court he had taken a stand that he had never gone to the petrol pump but before this Court he has come out with a plea that on the day of occurrence he had gone to the petrol pump.

Meanwhile, in the event of arrest, the petitioner be released on interim 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.”

3. Learned State counsel, upon instructions from SI Sultan Singh, has informed that pursuant to interim directions issued by this Court the petitioner has since joined investigation and is not required for any custodial interrogation.

Learned State counsel has, however, also informed that the petitioner is shown in the CCTV footage collected from the petrol pump.

4. The learned counsel representing the complainant has vehemently opposed the petition and has submitted that the petitioner had made false submissions as regards submission of an application dated 14.5.2022 (Annexure P-3) to SHO, Police Station Taraori, Karnal whereas no such application was ever filed.
5. Upon a query made by this Court to the learned State counsel as regards the aforesaid application dated 14.5.2022 (Annexure P-3), the State counsel stated that no such application was received in the Police Station Taraori, Karnal. Upon being asked, the learned State counsel further clarified that while the petitioner is seen in the CCTV footage but he is not seen to be manhandling any other person and is seen to be entering the office.
6. This Court has considered the rival submissions addressed before this Court.
7. Having regard to the facts and circumstances and the nature of allegations and also that the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the present petition is accepted and the interim directions issued by this Court vide order dated 25.5.2022. are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

24.11.2022

kamal

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No