

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-25624-2021

Date of decision : 07.01.2022

Mayank Bhadana

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Kunal Dawar, Advocate
for the petitioner.

Mr.Manish Dadwal, AAG, Haryana.

Mr.Arjun Atri, Advocate
for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.172 dated 21.04.2021 registered under Sections 148, 149, 323, 342, 379-B and 506 IPC (Section 367 IPC added later on) at Police Station Dabua, District Faridabad.

On 07.07.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner relies upon pendency of CRM-M No.19554 of 2021 with a deviation that according to police version, the petitioner is involved in the first occurrence, however, as per CCTV

footage, his presence is not established in any manner. In such a situation, this case would be at par with co-accused who have been granted interim bail in CRM-M No.19554 of 2021 vide order dated 17.05.2021.

Notice of motion for 13.08.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 13.07.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.

To be heard along with CRM-M No.19554 of 2021.”

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

Learned State counsel and learned counsel for the complainant have opposed the petition for anticipatory bail and have submitted that although the petitioner has joined the investigation but he is not cooperating in the investigation. It is further submitted that in the present case, although the alleged injuries suffered by the complainant party are simple in nature but there are allegations of kidnaping the complainant in the house of Inder Bhan (co-accused) for 2-3 hours. It is further submitted that although the complaint from the cross-version was filed but no FIR /DDR has been recorded in pursuance of the same.

the present case is a case of version and cross-version and has submitted that as per their cross-version, it is the complainant party who had come to his house to attack him and three persons from the side of the petitioner had also suffered injuries. It is further submitted that there is a specific complaint and even the MLRs of three injured have also been produced on record to substantiate the same.

Keeping in view the above said facts and circumstances moreso, the fact that the present case is a case of version and cross-version and injuries have been suffered by both sides and also the fact that the injuries suffered by the complainant are simple in nature and it would be a moot point in the trial to see as to which party was the aggressor, the present petition for anticipatory bail is allowed and the interim order dated 07.07.2021 is ordered to be 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

January 07, 2022

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No