

CRM-M-31771-2022
Date of decision : 06.09.2022

Versus

Mr. Dhruv Sihag, AAG, Haryana.

“Inter alia contends that the present petition is a second petition but is effectively the first petition for grant of anticipatory bail to the petitioner inasmuch as first petition bearing No.CRM-M-30997-2022 was dismissed as withdrawn vide order dated 20.07.2022 passed by this Court with liberty to file a fresh petition after giving better particulars. It is further submitted that in the present case, the alleged wooden logs of Khair tree were recovered from an abandoned car and not from the possession of the present petitioner and the recovery has already been effected and the

present petitioner has been roped into the case only on account of there being a fight between the complainant and the petitioner on 30.06.2022, as heated words were exchanged between them on the issue of parking of the motorcycle at the market of Town Partap Nagar and the said fact is also apparent from the FIR inasmuch as the complainant has given the name of the petitioner. It is contended that the petitioner is not involved in any other case and it has been wrongly observed in the order dated 11.07.2022 passed by the Sessions Judge, Yamuna Nagar that the petitioner is involved in another criminal case. It is also contended that there is no MLR to show that any injury has been caused to the complainant.

Notice of motion for 06.09.2022.

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.

(VIKAS BAHL)
JUDGE

25.07.2022
Pawan”

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

Learned State counsel on instructions from HC Sukhwinder Singh 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 25.07.2022, 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 25.07.2022 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

September 06, 2022
Amandeep

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