

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(204)

CRM-M-33259-2022

Date of decision: - 25.08.2022

Sahil

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Saurabh Sharma, Advocate, for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Manoj Tanwar, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.110 dated 12.06.2021, under Sections 302, 323, 34 and 506 IPC (Section 25 of the Arms Act, 1959 has been added later on), at Police Station Shahzadpur, District Ambala.

On 01.08.2022, this Court was pleased to pass the following order:-

“CRM-26858-2022

Allowed as prayed for, subject to just exceptions.

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Inter alia contends that in the present case, the petitioner was found to be innocent in the enquiry conducted by the officer of the level of DSP and it was found that he was not present at the place of occurrence on the basis of the call details record. It is further submitted that the petitioner is sought to be summoned under Section

319 Cr.P.C. on the basis of the statement made by complainant Jagtar Singh, which is a reiteration of the allegations made in the FIR. It is also submitted that even as per the FIR, the petitioner has not been attributed any injury and the petitioner, along with one Karam Singh, has been alleged to have caught hold of Jaswant Singh. It is stated that since the investigation is complete, thus, the custodial interrogation of the petitioner is not required and even as per the FIR, the petitioner was not armed with any weapon and further, nothing has been recovered from the present petitioner. It is contended that the petitioner is not involved in any other case. It is also contended that the petitioner would regularly appear before the trial Court on each and every date, unless his appearance is specifically exempted.

Notice of motion for 25.08.2022.

In the meantime, the petitioner is directed to appear before the trial Court within a period of 10 days from today and on his appearance, the petitioner would be granted interim bail subject to his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate

August 01, 2022

*(VIKAS BAHL)
JUDGE”*

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has appeared before the trial Court on 05.08.2022 and has been admitted on bail on his furnishing bonds in the sum of Rs.1,00,000/- with one surety in the like amount and the surety bonds have already been furnished and accepted by the trial Court and the matter is now adjourned to 13.10.2022. Learned counsel for the petitioner has produced the copy of order dated 05.08.2022 passed by the Additional Sessions Judge, Ambala, which is taken on record and the same has been marked as 'Mark A'.

Learned State counsel as well as learned counsel appearing for the complainant have opposed the present petition for anticipatory

bail.

Keeping in view the abovesaid facts and circumstances, more so, the facts which have been noticed in abovesaid order dated 01.08.2022 and also the fact that in view of the said order, the petitioner has appeared before the trial Court on 05.08.2022 and has been admitted on bail and the bail bonds & surety bonds furnished by the petitioner were accepted and attested by the Additional Sessions Judge, Ambala, the present petition for grant of anticipatory bail to the petitioner is allowed and the interim order dated 01.08.2022 is ordered to be made absolute.

The petitioner is directed to appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court

However, nothing stated above shall be construed as a final 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 application

August 25, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No