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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-34286-2022

Date of decision : 07.12.2022

Jaitin @ Mahakal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.256 dated 21.06.2022 registered under Sections 148, 149, 307, 323, 506 and 379-B of the Indian Penal Code, 1860 and Section 25(1) A of the Arms Act at Police Station Kheridaula, District Gurugram (Haryana).

On 25.08.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner herein seeks the relief of pre-arrest bail in the criminal case arisen out of the FIR bearing No.256 dated 21.06.2022 registered at Police Station Kheridaula, District Gurugram, under Sections 148, 149, 307, 323, 506 and 379-B IPC as well as Section 25(1)A of the Arms Act.

Learned counsel for the petitioner, inter-alia, contends that the petitioner has been falsely arraigned as an accused in the subject FIR, whereas in fact, he had not played any role in the alleged crime and even as per the allegations as levelled in the FIR, no specific injury has been attributed to him and rather, the co-accused of the petitioner named Ashu is alleged to have fired shots at the injured and moreover, the petitioner is not involved in any other criminal case of the similar nature and is also ready to join in the investigation as and when so required.

Learned State counsel seeks some time to get proper and complete instructions in the present matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 07.12.2022.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.

Sd/-(MEENAKSHI I. MEHTA)

August 25, 2022

JUDGE”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 25.08.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Dharminder Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 25.08.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 25.08.2022 is ordered to be made absolute.

However, 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 application.

07.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No