

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36643-2022
Date of decision : 29.09.2022

Vinay

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr.Dhruv Sihag, AAG, Haryana.

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.393 dated 01.11.2020 registered under Sections 148, 149, 302, 341, 427 IPC at Police Station Gohana Sadar, District Sonipat.

On 22.08.2022, this Court was pleased to pass the following order:-

“CRM-29676-2022

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

Main case

Learned counsel for the petitioner inter alia contends that in the present case, after detailed investigation, the petitioner was declared as innocent and report under Section 173 of Cr.P.C. was submitted against Dharampal @ Pala, Aman, Mohit, Kuldeep,

Sandeep and Amit. It is further submitted that large number of persons were named by the complainant and in fact, the petitioner was not even present at the spot and as per the FIR and as per the statement of complainant-PW2, no specific injury has been attributed to the petitioner. It is contended that as per the FIR, the petitioner is not stated to be carrying any weapon specifically whereas in the statement, PW2-complainant has improved the version by saying that the petitioner was having a bita. It is further contended that investigation has been completed and custodial interrogation of the petitioner is not required. It is argued that the petitioner would appear before the trial Court within a period of 10 days from today and undertakes to appear before the trial Court on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court. It is further argued that co accused of the petitioner namely Sunita and Govinda have also filed a petition for grant of anticipatory bail bearing No.CRM-M-36336-2022 and they have been granted interim protection and the said case is pending for 29.09.2022.

Notice of motion for 29.09.2022.

In the meantime, the petitioner is directed to appear before the concerned trial Court within a period of 10 days from today and to give an undertaking to appear on each and every date unless his personal appearance is specifically exempted by the trial Court and on doing so, the concerned trial Court is directed to release the petitioner on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court.

To be heard alongwith CRM-M-36336-2022.

It is made clear that in case, the petitioner does not appear before the trial Court within the aforesaid period or does not give undertaking to appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the Court, then the interim order granted in favour of the petitioner would be liable to be vacated.

(VIKAS BAHL)
JUDGE”

22.08.2022

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has appeared before the Additional Sessions Judge, Sonapat and has furnished his bail bonds and

surety bonds which have been accepted and attested. He has handed over a

photocopy of the zimni order dated 25.08.2022 passed by the Additional Sessions Judge, Sonapat, which is taken on record as Mark B.

Keeping in view the above said facts and circumstances, the present petition is allowed and the interim order dated 22.08.2022 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 29, 2022
Davinder Kumar

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