

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

214

CRM-M-40680-2021 (O&M)

Date of Decision: 26.07.2022

Neeraj @ Bhura

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ashish Grewal, Advocate, for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by SI Jaswinder.

Ms. Aashna Gill, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.156 dated 20.07.2020 at Police Station Chhapar, District Yamuna Nagar, under Sections 148/149/323/324/427/452/506 IPC (Section 326 IPC added later on).
2. The FIR in question as lodged at the instance of Rajidner Kumar, wherein it is alleged that on 20.07.2020 at about 2 PM, when he was present in his shop, then Jaswinder @ Jaggu, Manish, Sahil and Bhura (petitioner) accompanied by 3/4 other boys came inside his shop. Jaswinder placed a pistol on his forehead and threatened to kill him. The other boys, who were all carrying sticks, swords, gandassi and iron rods, followed him (Jaswinder) inside the shop and started beating him. The complainant

raised alarm, which attracted other shop-keepers of the area and the accused ran away from the spot.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that no specific injury is attributed to him and nor it is specifically mentioned as to which weapon he was carrying. It has also been submitted that the present FIR has been lodged so as to pressurize the petitioner, as he happens to be a witness against the complainant in FIR No.82 dated 11.04.2020 (Annexure P-2).
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioner was part of an unlawful assembly, the members of which were carrying lethal weapons like sticks, swords, *gandassi* and iron rods and one of them was also carrying a pistol, no case for grant of anticipatory bail is made out. It has also been pointed out that while 4 of the co-accused had been arrested, one is still absconding. Learned State counsel has informed that while challan against other 4 co-accused, who had been arrested, already stands presented and the same is to be presented against the remaining accused. It has also been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. The FIR does show that there is no specific attribution qua the petitioner. It is also borne out that the petitioner happens to be a witness against the complainant in another FIR, which was lodged in the month of April, 2020, which could furnish some motive to the complainant to implicate

the petitioner falsely so as to pressurize him. 4 other co-accused, who had been arrested, have already been granted regular bail.

7. Having regard to the aforestated position and while also noticing that the petitioner is not involved in any other case, the petition is accepted and the petitioner, in the event of his arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.
8. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

26.07.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**