

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41154-2022(O&M)
Date of decision : 31.10.2022

Pran Nath and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Inderjeet Singh, Advocate for the petitioners.
Mr. Dhruv Sihag, AAG, Haryana.
Mr. Rajesh Khandelwal, Advocate for the complainant.

VIKAS BAHL, J.(ORAL)

CRM-40943-2022

This is an application under Section 482 Cr.P.C. for placing on record copy of counter affidavit of the complainant and few photographs.

Allowed as prayed for. A copy of counter affidavit and photographs are taken on record subject to all just exceptions.

CRM-M-41154-2022

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.192 dated 18.08.2022 registered under Sections 427, 447, 506 and 511 IPC at Police Station Radaur, District Yamuna Nagar.

On 09.09.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the present FIR has been registered on account of a civil dispute between the parties and CCTV footage does not contain any obscene footage and in any case, the said CCTV camera has been removed by the petitioner. It is further submitted that even the wall has been reconstructed by

the complainant. It is stated that the petitioners are ready to join the investigation and also to cooperate with the investigation. It is further stated that the petitioners have not caused any physical harm to the complainant nor would do any act to harass the complainant.

Notice of motion for 30.09.2022.

In the meantime, in the event of arrest, the petitioners are ordered to be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioners 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.

It will be open to the learned counsel for the complainant to produce the relevant documents to show that the petitioners are not entitled to the concession of anticipatory bail.

(VIKAS BAHL)
JUDGE

September 09, 2022.”

On 30.09.2022, this Court was pleased to pass the following order:-

“Learned State counsel has pointed out that the petitioner has although joined the investigation but is required for further investigation.

The petitioner is directed to again join the investigation on 18.10.2022 at 11:00 AM.

Adjourned to 31.10.2022.

Interim order to continue.

(VIKAS BAHL)
JUDGE

September 30, 2022.”

Learned counsel for the petitioners has submitted that in compliance of said order, the petitioners have removed the said CCTV camera.

Learned State counsel, on instructions from HC Ashok Kumar, has submitted that the petitioners have joined investigation and are not required for further investigation.

Learned counsel for the complainant has placed on record the photographs and has stated that on one of walls of the house of the petitioners, there are three cameras out of which one camera which is camera no.2 is still facing the house of the complainant. Although it is stated that one of cameras which is shown at page 11 of the photographs has been removed.

Learned counsel for the petitioners undertakes to remove camera no.2 shown in the photographs at page 9 of the CRM-40943-2022 within a period of 10 days from today.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 09.09.2022, and also the fact that the petitioners have joined the investigation and are not required for further investigation, the present petition is allowed and the interim order dated 09.09.2022 is made absolute.

It would be open to the learned State counsel and learned counsel for the complainant to move an application for cancellation of bail in case camera no.2 shown at page no.9 of CRM-40943-2022 is not removed within the aforesaid period.

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

October 31, 2022
Davinder Kumar

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