

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(229)

CRM-M-42599-2022

Date of decision: - 29.09.2022

Anil Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Puneet Pali, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.112 dated 12.07.2021, registered under Sections 307, 34, 120-B and 201 IPC; Section 25 of the Arms Act, 1959; and Section 42-A of the Prisons Act, 1894, at Police Station Raipur Rani, District Panchkula.

On 16.09.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case the petitioner was not named in the FIR and has been subsequently named by the co-accused Rohit @ Lota on 04.05.2022 i.e., after a period of more than 9 months and even as per the said statement, it is not the petitioner who had fired shots and it is alleged that the petitioner was riding the

motorcycle. It is further submitted that the present case is a case of no injury and the complainant has given affidavit to the effect that he has no objection in case the FIR is cancelled. It is also submitted that the complainant has been examined as PW-2 and in his cross-examination he has stated that he had not seen the accused persons, thus, neither he can identify them nor he has received any threatening calls from any person. It is stated that the petitioner has nothing to do with the motor cycle and the motor cycle has been recovered from Vikas @ Jony in other FIR.

Notice of motion for 29.09.2022.

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

(VIKAS BAHL)
JUDGE

September 16, 2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Pardeep Kumar , has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 16.09.2022 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 16.09.2022 is ordered to be made absolute.

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.

September 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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