

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

206

**CRM-M-47919-2021
Decided on : 03.03.2022**

Shiv Kumar @ Akshu

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Sarvjit Singh Khurana, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, AAG, Haryana
assisted by ASI Sunita.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 259, dated 18.08.2021, lodged under Sections 323, 294, 510, 506, 34 of IPC (Sections 354A & 509 of IPC deleted and Sections 294, 510 & 34 of IPC added later on), registered at Police Station Dharuhera, District Rewari (annexed as Annexure P-1).

It has been contended that no doubt that an occurrence did take place on 03.08.2021 between the parties concerned, however, a twisted version has been brought forth by the complainant party while getting the FIR in question registered, by alleging that the petitioner had indulged in obscene behaviour and given beatings to the complainant under the influence of liquor. Learned Counsel further submitted that it was in fact the complainant party which initiated the quarrel on the fateful day by indulging in obscene behaviour including an attempt to molest the wife of the petitioner. Learned Counsel has submitted that the petitioner soon after the occurrence

in question had also got FIR No.266, dated 21.08.2021, under Sections 323, 34, 354-A, 506 and 509 IPC (Annexure P-2), registered against the complainant party.

It has been further contended that the allegations levelled against the petitioner of beating up the complainant party were not supported by any shred of evidence much less any medical report in the said regard, whereas there was medical evidence with regard to the injuries received by the petitioner in the occurrence in question.

Learned counsel further submits that pursuant to order dated 16th November, 2021, passed by this Court, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Sunita, does not dispute the factum of the petitioner having joined investigation. He, on further instructions submits that since the petitioner has joined investigation, his further investigation, much less, custodial interrogation is not required.

Heard.

In the facts and circumstances, as enumerated hereinabove, the petition is allowed and interim order dated 16th November, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

March 03, 2022

J.Ram

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