

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

CRM-M-48770-2021 (O&M)

Date of decision: 07.02.2022

Azad @ Dhola

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Pradeep Chhoker, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.679 dated 20.10.2018, registered under Sections 302, 34 and 404 IPC, at Police Station Samalkha, District Panipat, Haryana.

Vide order dated 22.11.2021 passed by this Court, arrest of the the petitioner was stayed.

Learned counsel for the petitioner submits that the complainant is not an eye-witness and during investigation, the petitioner was found innocent and kept in column No. 2 of the final report under Section 173 Cr.P.C. presented on 23.01.2019; that even as per the disclosure statement of

co-accused, Amit @ Ganja, Vicky and the petitioner went to bring food stuffs and thereafter, Vicky returned but the petitioner did not and that as per the deposition of the complainant, he was told about the names of accused persons by Vijay Pal and others. It is further submitted that the FIR was registered on a hearsay evidence and the petitioner is not seen in the CCTV footage lying with the investigating agency, but even then the petitioner was summoned as an additional accused.

Learned State counsel, on instructions from ASI Krishan, submits that the petitioner has joined the investigation and he is not required for any further investigation.

I have heard the learned counsel for the parties.

In view of the above, without commenting on the merits of the case, the present petition is allowed, while making the interim order absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

07.02.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No