

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M No. 46617 of 2022(O&M)
Date of decision :08.12.2022

Satish Kumar Lohia

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Manish Soni, Advocate for the petitioner.
Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No. 161 dated 11.05.2022 registered under Sections 147, 149, 323 and 506 IPC (Sections 148, 325, 326 IPC added lateron) of the Indian Penal Code, 1860 at Police Station DLF-III, District Gurugram.

On 11.10.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the petitioner is an ex-serviceman who was discharged from the Indian Army on 31.03.2016 and later on joined government service in NCT Delhi and is also a resident of District South West Delhi and was on night duty on the night of 10.05.2022 up till 8:00 AM on 11.05.2022 (approximately) at IGI Airport Delhi. It is submitted that in the present case, total 23 accused persons have been arrayed and the present case is a case of version and cross version and the brothers of the petitioner namely, Sunil and Satinder had suffered injuries on their body and Sunil, in fact, had suffered a head injury which required seven stitches and regarding the same, FIR no.162 dated 11.05.2022 has been registered under Sections 147, 148, 149, 323, 506 IPC at the instance of Satinder. It is further

submitted that as per the FIR, the petitioner has been attributed one injury on the left thigh and the said injury has been declared to be simple in nature. It is stated that the petitioner is a government employee and would suffer irreparable loss and injury in case the concession of anticipatory bail is not granted to the petitioner. It is further stated that the father of the petitioner along with other persons had filed a civil suit no.909 of 2022 against the complainant side before the Civil Judge, Gurugram with respect to the land in question and the said civil suit is pending. It is submitted that 15 co-accused of the petitioner have been granted anticipatory bail and the petitioner, without admitting his liability and in order to show bonafide, is ready to pay an amount of Rs.15,000/- to the complainant within a period of 10 days from today.

Notice of motion or 02.11.2022.

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.

The petitioner is directed to prepare a demand draft of an amount of Rs.15,000/- in the name of the complainant and hand over the same to the Investigating Officer within a period of 10 days from today and the Investigating Officer is directed to hand over the same to the complainant after taking receipt from the complainant.

It is made clear that in case the demand draft of the said amount is not handed over to the Investigating Officer within a period 10 days from today, then the interim order granted is liable to be vacated. The payment of Rs.15,000/- to the complainant would be not construed as an admission of guilt by the petitioner. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 11.10.2022, the petitioner has joined the investigation and demand draft of Rs. 15,000/- has been given to the IO.

Learned counsel for the State, on instructions from ESI Dhanraj, has submitted that the petitioner has joined the investigation and is not

required for any further custodial interrogation and also reiterated the fact that the demand draft of Rs. 15,000/- has been given to the I.O and the same is given to the complainant.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 11.10.2022 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 11.10.2022 is ordered to be made absolute.

However, 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 application.

08.12.2022

Rajeev (rvs)

(VIKAS BAHL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No