

209-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.52040 of 2021 (O&M)

Decided on: 14.03.2022

Vikas @ Vikash

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.539 dated 13.11.2021 registered under Sections 147, 149, 323, 365, 506, 511 IPC and 25 of the Arms Act, at Police Station Meham, District Rohtak.

The operative part of the order dated 14.12.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“....Learned counsel for the petitioner relies upon order dated 09.12.2021 passed in CRM-M-51429-2021, vide which co-accused Mohit has already been granted the concession of interim anticipatory bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Chanderpal @ Kala, it is stated that when he was going to pick up the vehicle

from Civil Hospital with his driver Bijender, a white color car was parked on the way. When they stopped their car, a person with a pistol in his hand and a woman came there and immediately demanded for cash amount and when the complainant refused, the said persons showed him pistol with an intention to kill and they also taunted and wanted to fire. Thereafter, the driver of the complainant hit the said persons with a tiffin and saved the life of the complainant. Thereafter, the accused persons called their companions i.e. two women and one man, who were armed with weapons and they started beating the complainant and to take him to another place.

Learned counsel further submits that in fact it is a case of eve teasing as two days prior to registration of the present FIR, Kirti, who is an alleged lady mentioned in FIR, has levelled serious allegations against the complainant side and an information was also sent to the Women Help Line, however, the police instead of taking any action has registered the present FIR after two days, whereas no such incident has happened.

Learned counsel for the petitioner has relied upon CCTV footage and has placed on record a CD (Annexure P-3) to submit that no such incident has happened, rather the incident as explained in the aforesaid complaint of Kirti happened at the spot.

Notice of motion for 14.03.2022.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel further submits that the allegations against the present petitioner are identical to that of aforesaid co-accused.

Learned counsel further submits that the petitioner

was not named in the FIR and his name surfaced later on.

Notice of motion for 14.03.2022....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 14.12.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Nafe Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 14.12.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

14.03.2022
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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No