

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-49176-2022 (O&M)

Date of Decision:-5.12.2022

Manesh Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vaibhav Sharma, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana,
assisted by Head Constable Sudhir Kumar.

Mr. Adarsh Kumar Dubey, Advocate,
for respondent No.2/complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.352, dated 27.8.2022, Police Station City Rewari, Haryana, under Sections 195-A, 506 and 34 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Ashish Mittal, wherein it is alleged that he is posted as SDO in Dakshin Haryana Bijli Vitran Nigam at Sub Division Jonawas, District Rewari and that he alongwith other officials had conducted checking as regards pilferage of electricity in the house of Girdhari Lal, where pilferage was noticed. However, Girdhari Lal as well as

his sons Manesh and Dinesh launched an attack upon the team headed by the complainant and held them hostage and also caused injuries to them and in respect of which FIR No.274, dated 11.10.2021, Police Station Khol, Rewari, under Sections 186, 332, 34, 342, 353, 427 of Indian Penal Code was registered against all three of them. The complainant alleged that ever since lodging of the FIR, the petitioner Manesh Kumar, who is serving Delhi Police, has been threatening him and forcing him to enter into a compromise.

3. Reply by way of affidavit of Shri Subhash Chand, H.P.S., Deputy Superintendent of Police, Rewari, District Rewari has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submits that a false FIR has been lodged against the petitioner and that the falsity would be evident from the fact that when the CCTV footage as regards the alleged incident, which had taken place at 'New Bharat Engineering Works' was examined, the same did not reflect any kind of such gestures, which could be interpreted to issuance of threats. Learned counsel has further submitted that the matter, in any case, has been amicably resolved amongst the parties and the complainant does not have any objection for grant of bail.
5. Opposing the petition, learned State counsel has submitted that since specific allegations have been levelled in the FIR against the petitioner, no case for grant of anticipatory bail is made out. Learned State counsel, upon instructions from Head Constable Sudhir Kumar, has informed that upon watching the CCTV footage, the petitioner, father of the complainant and two others are seen sitting comfortably in chairs and that nothing can be

made out from the said CCTV footage as to whether any threatening gestures had been made by the accused.

6. Mr. Adarsh Kumar Dubey, Advocate representing respondent No.2/complainant has admitted the factum of compromise and has also informed that infact a petition for quashing of FIR on the basis of compromise has also been filed in this case, wherein notice of motion has been issued for 6.12.2022 i.e. CRM-M-47984-2022 (Annexure P-3).
7. This Court has considered the rival submissions.
8. Having regard to the aforestated facts and circumstances and also the fact that the matter is stated to have been compromised as has been specifically admitted by learned counsel representing respondent No.2/complainant, the petition is accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

5.12.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No