

205/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53759-2021
Date of Decision: 23.02.2022

NIRMAL ... PETITIONER
STATE OF HARYANA V/S ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sanjeev Majra, Advocate for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.
Mr. Sudhir Hooda, Advocate for the complainant.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

* * *

VIVEK PURI, J. (ORAL)

Reply has been taken on record.

On 14.01.2022, following order was passed:

“CRM-924-2022

Petitioner seeks to place on record copy of the bail order of the co-accused, Annexure P-2 and the legible copy of the FIR.

The documents are allowed to be taken on record.

Registry is directed to tag the same at the appropriate place.

Disposed of.

Main case

Petitioner is seeking anticipatory bail in case bearing FIR No. 305 dated 04.12.2021 under Sections 323, 354-A, 506 and 34 IPC, registered at Police Station Civil Lines, Rohtak, District Rohtak.

Briefly, as per the allegations, on 03.12.2021 Pardeep, Monu and Naveen gave beatings to the complainant and her husband, and they further outraged her modesty.

Learned counsel for the petitioner contends that the name of the petitioner has been mentioned as Monu in the FIR, the similarly placed co-accused namely, Pardeep Dahiya has been granted interim bail in terms of the order dated 04.01.2022 passed in CRM-M-54788-2021 and though the petitioner was involved in three other criminal cases but he has been acquitted in all such cases.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG Haryana has put in appearance on behalf of the State and Mr. Sudhir Hooda, Advocate has put in appearance on behalf of the complainant.

Adjourned to 23.02.2022.

To be heard along with CRM-M-54788-2021.

Meanwhile, the interim directions shall be in the same terms as in CRM-M-54788-2021.”

Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation. He is not in possession of any weapon or firearm, which was required to be surrendered as per paragraph 15 of the order dated 04.01.2022 passed in CRM-M-54788-2021, his custodial interrogation is not required.

Learned State counsel, on instructions from SI Mamtesh Kumar, has not disputed the aforesaid factual position of the case. However, it has been pointed out that the petitioner is involved in four other cases, particulars whereof are mentioned in para No. 6 of the reply.

Faced with the situation, learned counsel for the petitioner contends that the petitioner has been acquitted in three cases and only one case is pending.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 14.01.2022 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

23.02.2022

Janki

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No