

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-53960-2021
Decided on : 29.07.2022

Ankit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Gurbir S. Dhillon, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner in FIR No. 561 dated 16.09.2021 registered under Sections 147, 148, 149, 323, 325, 326 and 506 of the Indian Penal Code, 1860 and Section 3(2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short SC & ST Act) registered at Police Station Sadar Bhiwani, District Bhiwani, Haryana.

On 04.02.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has argued that Rohit s/o Bharat Bhushan (complainant) has been teasing the sister of the petitioner and a case bearing No.71 dated 17.07.2020, under Sections 354-D, 363, 366, 376 and 506 IPC was registered against him at Women Police station, District Bhiwani. Learned counsel has argued that the accused and complainant are residents of the same village and in the alleged occurrence dated 15.09.2021, whereupon the present FIR was lodged by Bharat Bhushan, the accused have also suffered injuries. In this regard, he has invited the

attention of the Court to the medico legal report of the petitioner and his co-accused (Annexures P-7 and P-8). He submits that on the statement of the petitioner, the DDR No.14 was also registered subsequently on 16.09.2021 According to him, it is to be seen during trial that which party was aggressor, therefore, in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of respondent-State and opposes the prayer on the ground that the petitioner was armed with pharsa and caused grievous injuries to Bharat Bhushan. According to him, the other injured Rohit and Vinay also suffered injuries in this occurrence, whereas the injuries suffered by the accused are simple in nature. However, it is not disputed that the parties are having grudge against each other and the FIR No.71 dated 17.07.2020 was got registered on the statement of Sheetal (sister of petitioner).

Adjourned to 29.07.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner has submitted that the petitioner has joined the investigation.

Learned counsel for the State, on instructions from DSP Virender Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 04.02.2022 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 04.02.2022 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.

(VIKAS BAHL)
JUDGE

29.07.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No