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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision: 10.05.2023

Parveen Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sahil Choudhary, Advocate for
Mr. Davneet Sangwan, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

Mr. Vineet Chaudhary, Advocate
for the complainant.

HARSH BUNGER, J. (Oral)

Prayer in the present petition, filed under Section 438 read with Section 482 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.26 dated 19.01.2023, registered under Sections 285, 506 of the Indian Penal Code, 1860 and Section 27 of the Arms Act at Police Station KU, Kurukshetra.

2. On 13.04.2023 the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner in case FIR No.26 dated 19.01.2023, registered under Sections 285 and 506 of the Indian Penal Code and Section 27 of the Arms Act at Police Station KU,

Kurukshetra.

Succinctly, the aforesaid FIR was registered on the complaint of one Salim s/o Jamil Khan, who stated that on 18.01.2023 at about 8:00 PM, petitioner Parveen kumar, who keeps a licenced gun and a dog with him, came to the Government School of Village Ishakpur and started alleging that the Sarpanch had used low grade cement in the school and abused the father of the complainant, who was the Chowkidar of the school, on which the Police was called at the spot and the matter was resolved. However, in the intervening night at about 1:30 AM, the petitioner came out of his house and started threatening the complainant in front of his house and then complainant closed his doors. Whereupon petitioner is alleged to have fired into the air with his licenced weapon and also fired near the chaupal of the village, in front of the house of Ram Bhaj and thereafter in front of the house of Sarpanch. Next day, three fired cartridge cases were recovered outside the house of the complainant, one fired cartridge case was recovered outside the house of Uday Singh and one fired cartridge case was recovered from the street near the Chaupal of the village. Accordingly, the present FIR was registered against the petitioner.

Learned counsel for the petitioner submits that petitioner has been falsely involved in the present case by the Police at the instance of complainant. It is submitted that from bare perusal of the FIR, no offence as alleged is made out against the petitioner. It is further submitted that the FIR has been registered against petitioner as a counterblast to the complaint/application submitted by him regarding cutting of trees from the ground of the Government Primary School and the said complaint/application was submitted to the SP, Kurukshetra as well as to the Forest Officer and a civil suit was also filed for the same, which is pending adjudication in the Court of learned Civil Judge (Senior Division), Kurukshetra. It is contended that no one has suffered any injury in the alleged occurrence. Learned counsel for the petitioner further submits that petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court. Learned counsel appearing on behalf of the State as well as the counsel for complainant have opposed the petitioner's plea for bail on the ground of seriousness of the offence, however, he seeks time to get necessary instructions in this case.

List on 10.05.2023.

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Without commenting anything on the merits of the case, the petitioner is directed to join the investigation as and when directed by the Investigating agency and in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating /Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

4. Learned State counsel on instructions from SI Naresh Kumar has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

5. Heard learned counsel for the parties.

6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 13.04.2023 passed by this Court is made absolute.

7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

9. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this

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stage.

10. The petition is accordingly disposed of.

10.05.2023
Himani

(HARSH BUNGER)
JUDGE

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