

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15949-2023 (O/M)

Date of decision : 26.07.2023

Naveen

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. J.P. Jangu, Advocate
for the petitioner.

Mr. Praveen Chander Goyal, Additional A.G. Haryana.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of concession of anticipatory bail to the petitioner in case FIR No. 48 dated 21.02.2023 registered under Sections 147, 148, 149, 323, 324 IPC (Section 325 IPC added vide order dated 08.05.2023) at Police Station Bawal, District Rewari.

2. On 26.05.2023, the following order was passed by this Court :-

"1. Petitioner (Naveen) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.48 dated 21.02.2023 (Annexure P-1), under Sections 147, 148, 323, 324 and 325 of the Indian Penal Code, registered at Police Station Bawal, District Rewari.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in FIR (Annexure P-1). It is submitted that in fact, the present FIR is a counter-blast of the case FIR No.49 dated 18.02.2023 (Annexure P-2), which was registered on the complaint of Preeti against the complainant party herein. It is stated that the petitioner was neither present at the alleged spot of occurrence nor any injury has been attributed to him, as alleged in the present case. It is further stated that since the petitioner is a relative of co-accused, therefore, he has been roped in this case so as to put pressure upon the complainant party in case FIR No.49 dated 18.02.2023 (Annexure P-2). Learned counsel contends that a perusal of FIR reveals that when the police officials went to the Government Hospital for recording the statements of victims in this case then they were not found present there, which clearly shows that the story of prosecution is a concocted one.

3. *Learned counsel for the petitioner submits that co-accused, namely Preeti @ Sonia, Manoj and Saroj, have already been extended the concession of bail by the Court of Sessions Judge, Rewari vide order dated 10.05.2023. It is stated that the anticipatory bail application moved by the petitioner before the Court of Sessions Judge, Rewari, has wrongly been dismissed, vide order dated 14.03.2023 (Annexure P-3). Learned counsel submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.*

4. *Learned State counsel opposes the prayer of petitioner for grant of anticipatory bail on the ground of seriousness of the offences. However, it is not disputed that co-accused, namely Preeti @ Sonia, Manoj and Saroj, have already been extended the concession of bail by the Court of Sessions Judge, Rewari vide order dated 10.05.2023.*

5. *List on 26.07.2023.*

6. *Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency. In the meantime, in the event of arrest of 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) of the Code of Criminal Procedure.”*

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

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

5. In view thereof, the present petition is disposed of and the interim order dated 26.05.2023, passed by this Court is made absolute.

6. Application pending, if any, also stands disposed of.

(HARSH BUNGER)
JUDGE

26.07.2023

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No