

CRM-M-19031-2022

2023:PHHC:146964

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-19031-2022
Date of decision: 20.11.2023

MOHIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Saleem Mohd., Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

VIVEK PURI,J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No. 303 dated 03.04.2022, under Sections 323, 34, 354, 376, 506 and 511 IPC, 1860 and Section 25 of Arms Act, 1959 (Sections 376, 511, IPC have been deleted later on), registered at Police Station Camp Palwal, District Palwal (Haryana).

2. On 06.05.2022 the following order was passed by the co-ordinate Bench:-

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case at the behest of the complainant as at an earlier point of time the petitioner's family had got a FIR lodged against complainant; the petitioner does not face any other criminal case; the FIR in question has been got lodged against the

petitioner only to humiliate him as his marriage is fixed on 08.05.2022; the allegations with regard to giving of beatings by the petitioner are false; no recovery is required to be made from the petitioner; in any case, the injury attributed to the petitioner is simple in nature and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr.Sumit Jain, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 07.08.2022.

Till the adjourned date the petitioner's arrest is stayed.

Before the adjourned date the State shall file a concise status report.

3. Thereafter on 01.12.2022, the following order was passed by the Coordinate Bench:-

“On request of learned counsel for the petitioner, adjourned to 19.01.2023.

Interim order to continue subject to joining of investigation.”

4. Learned counsel for the petitioner contends that the offence under Section 376 read with 511 IPC, 1860 has been deleted during the course of investigation. Learned counsel for the petitioner further contends that the petitioner has been falsely implicated at the behest of the complainant and as a counter blast, FIR was lodged at the instance of his family members against the complainant. Moreover, no specific weapon of

offence has been mentioned in the FIR. The alleged injury is simple in nature. Furthermore, the petitioner has joined the investigation in pursuance of interim directions.

5. On instructions from S.I. Hazir, learned State counsel submits that the petitioner has joined the investigation and his custodial interrogation is not required.

6. In view of the aforesaid submissions, the petition is allowed and it is directed that in the event of arrest, the petitioner be released on bail to the satisfaction of the Arresting Officer, subject to compliance of the conditions specified under Section 438(2) of the Code of Criminal Procedure.

20.11.2023

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(VIVEK PURI)
JUDGE

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