

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

**CRM-M-24344-2023 (O&M)
Date of decision : 23.11.2023**

Dupesh Bansal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Anshul Sharma, Advocate for the petitioner.

Mr. Kiran Pal Singh, A.A.G., Haryana for the respondent.

Mr. R.K.Chaudhary, Advocate for the applicant/complainant.

MAHABIR SINGH SINDHU, J.

CRM-49177-2023

Application for placing on record photographs as Annexure R-1.

Since source of preparing the photographs is not disclosed,
therefore, no ground is made out to allow the present application.

Accordingly, the same is dismissed.

MAIN CASE

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.201 dated 28.03.2023, under Sections 285, 323, 506 read with Section 34 of the Indian Penal Code, 1860; Section 25 of the Arms Act, 1959, registered at Police Station, City Palwal, District Palwal.

(2) Above FIR was registered on the basis of statement made by complainant-Anil with the allegations that on 20.03.2023 at about 8:30 a.m., when his brother-Sushil struck in a traffic jam, Nripender (co-accused) alighted from a Car bearing registration No.HR-30-J-1377; started abusing; kicking and gave fist blow to his brother. Nripender also called his other companions at the spot. When Sushil tried to run away, accused fired shot in the air and Nripender threatened Sushil to kill him.

(3) The Coordinate Bench, vide order dated 22.05.2023, granted interim bail to the petitioner and which reads as under:-

“For arguments, adjourned to 19.09.2023.

Seeking ad interim anticipatory bail for the petitioner, learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case; the petitioner does not have any other criminal antecedents; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, no injury is attributed to the petitioner; the petitioner is ready and willing to surrender his licenced weapon with the police as also to join and cooperate with the investigation in every possible manner.

After considering the above submissions, it is directed that subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of

his arrest in FIR No.201 dated 28.03.2023 registered under Section 34, 285, 323, 506 IPC and Section 25 of the Arms Act, 1959 at Police Station City Palwal, District Palwal, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from S.I. Rajesh Kumar, also acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) Although learned Counsel for the complainant opposed the prayer; but keeping in view the fact that State does not require any custodial interrogation of petitioner, therefore, the objection in this regard is rejected.

(7) As a result thereof, petition is allowed; interim order dated 22.05.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(9) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(10) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.

- (11) Disposed off accordingly.
- (12) Pending application(s), if any, shall also stand disposed off.

November 23, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes