

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-24648-2023

Date of decision: 08.08.2023

Roshan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : None for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.145 dated 12.03.2023 under Sections 148, 149, 323, 341, 365 and 506 of the IPC, registered at Police Station Old Industrial, District Panipat.

2. As per allegations levelled in the FIR on 04.03.2023 during hindi examination, a verbal spat took place between the complainant and one Ankit, a student of Class 12th. Thereafter, on 10.03.2023, when the complainant along with his cousin Shubham, was going home after taking his exam, accused-Ankit, Vishnu, Rahul and 8-10 other boys blocked their way and told him that he had to be given a taste of the incident of which took place on 04.03.2023 and started assaulting him. Shubham, a cousin of the complainant fled away from the spot, however, the complainant was kidnapped by the accused and taken to a Poultry Farm at Village Binjhol, where he was given beatings with lathis and dandas as a result of which the complainant sustained injuries

on various parts of his body and threats of dire consequences also extended to him.

3. On the last date of hearing i.e. 15.05.2023, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that there is an inordinate delay of 2 days in lodging the present FIR. Learned counsel for the petitioner submits that the petitioner is not named in the present FIR and also no specific role has been attributed to the petitioner. It is stated that coaccused (Ankit) who was specifically named in the FIR, has been granted the concession of regular bail vide order dated 10.04.2023, passed by learned Additional Sessions Judge, Panipat (Annexure P-2). Learned counsel next submits that co-accused persons (Sumit and Ankit Tiwari) have already been granted the concession of interim bail by this Court, vide its orders dated 17.04.2023 and 18.04.2023 respectively. It is further stated that the petitioner is not involved in any other case and the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Additional Sessions Judge, Panipat, vide its order dated 04.05.2023. It is also submitted that the 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.”

4. Learned State counsel, on instructions, has submitted that the petitioner has joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation. It has not been disputed that injuries allegedly sustained by the complainant were simple in nature.

5. In view of the above, the petition is allowed and interim

order dated 15.05.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

08.08.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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