

202 2nd case

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30988-2023(O&M)

Date of decision: 01.09.2023

Nikhil

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Dhruv Gupta, Advocate for petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Harinder Singh Sandhu, Advocate,
For the complainant.

ARUN MONGA, J. (ORAL)

Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner in case FIR No.0589 dated 08.11.2022, registered under Sections 148, 149, 307, 323, 326-A, 452, 506 of IPC, 1860 at Police Station, Ambala City, District Ambala.

2. Learned counsel for the petitioner submits that pursuant to earlier order dated 21.06.2023 passed by this Court, petitioner has joined the investigation and has fully cooperated in the same.

3. Learned State counsel per his instructions from SI Balkar Singh submits that petitioner has joined investigation but he has not cooperated. Custodial interrogation of petitioner is required.

4. As per report filed, it is borne out that petitioner has joined investigation. Not only the principal accused Vijay @ Bha Ji has already been granted the concession of bail vide order dated 03.02.2022 (Annexure P-3) as well as other co-accused Banti, Manish, Manav and Abhishek have also been granted bail vide orders dated 21.03.2023, 19.04.2023, 12.06.2023 (Annexures P-4 to P-6).

5. On a specific query, what is the role attributed to the petitioner *qua* the incident in question, learned State counsel under instructions submits that there is no

allegation against him of causing any injury. However, he has been implicated in the FIR merely he was present at the scene of occurrence and was seen having a *danda* in his hand.

6. The same is also controverted by learned counsel for the petitioner. He submits that CCTV footage reflects that petitioner was not even present at the scene. He submits that in any case, no role has been attributed to the petitioner.

7. In view of the above, since he has already joined investigation and co-accused are already on bail, present petition is allowed. Order dated 21.06.2023 granting interim anticipatory bail to the petitioner is made absolute, subject to petitioner’s complying with provisions under Section 438(2) Cr.P.C.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

01.09.2023
Vandana

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