

Date of Decision:13.07.2023

...Petitioner

VS.

...Respondent

Present : Mr. Naveen Kashyap, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 438 of the Cr.P.C. with a prayer to grant a anticipatory bail in case FIR No.272 dated 13.05.2023 registered under Sections 148, 149, 323, 324, 506 of IPC (Section 307 IPC added later on) at Police Station Old Industrial, District Panipat (Annexure P-1).

Learned counsel for the petitioner contends that the petitioner was not named in the FIR. In fact, he is a young boy, aged about 21 years and has been involved in the present case only on the basis of the disclosure statement suffered by the co-accused. Even as per the disclosure statement of co-accused, namely, Sachin @ Tota, the petitioner and Nitin had allegedly caught hold of Vicky and Tushar @ Kala gave a blow with knife to Vicky. After causing injuries, the accused had fled on the petitioner's motorcycle after threatening to kill Vicky. He further contends that the injury, which attracted Section 307

IPC is attributed to Tushar @ Kala and he has already been arrested by the police. He further submits that Sachin @ Tota has also been arrested in the present case. Learned counsel further contends that no recovery is to be effected from the petitioner and his custodial interrogation will serve no meaningful purpose.

Status report by way of an affidavit of Deputy Superintendent of Police, Head Quarters, Panipat has been filed on behalf of the respondent-State. Learned State counsel has vehemently opposed the grant of concession of anticipatory bail to the present petitioner on the ground that the petitioner had caught hold of injured and his motorcycle was used in the commission of crime. However, the learned State counsel is not in a position to controvert the aforementioned factual submission.

In view of the above, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C.

It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

(N.S.SHEKHAWAT)
JUDGE

13.07.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No