

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:054342
CRM-M-33286-2022
Date of Decision: April 19, 2023

Mahavir alias Mahaveer alias Bablu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rishav Jain, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

On 01.08.2022, following order was passed by this Court:-

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.358, dated 16.9.2020, Police Station Hodal, District Palwal, under Sections 148, 149, 307, 120-B of Indian Penal Code and Section 25 of Arms Act.

As per the FIR lodged at the instance of Pawan, 9 persons, who are duly named therein, accompanied by another 3-4 unidentified persons, were carrying pistols, iron pipes and sticks. It is alleged that Ganpat, Rahul, Vipin, Anoop and Davinder @ Lala were carrying pistols and they fired at him but the complainant managed to save himself by entering into the house of Om Parkash. It is alleged that one of the shots hit the iron grill of the gate of Om Parkash's house while others hit terrace of the house of Hari Chand.

Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and has been nominated on the basis of a disclosure statement allegedly made by Davinder Singh @ Lala, who stated that the petitioner was carrying an iron rod. Learned counsel submits that apart from the fact that such like disclosure statement would not have any evidentiary value but even if for the sake of arguments it is accepted to be admissible, still no specific role is attributed to the petitioner and the petitioner is simply stated to be armed with an iron rod. It has further been submitted that there is no injury on the complainant much less with any iron rod.

Notice of motion for 2.11.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate

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with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

It was informed on 09.03.2023 that petitioner had joined the investigation, in compliance of the order dated 01.08.2023. However, it is stated that a gun has been recovered from the petitioner. The said fact was refuted by learned counsel for the petitioner.

State has not filed the status report.

In view of the reasons mentioned in the order dated 01.08.2022 and the fact that the petitioner has since joined the investigation, the interim order dated 01.08.2022 is hereby made absolute. However, the petitioner shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

April 19, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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