

2023:PHHC:091406

103

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M 34770-2023
Date of decision: 20.07.2023

Raju Khanna

.....*Petitioner*

Versus

State of Haryana

.....*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

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Present: Mr. Lalit Kr. Narang, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No.202 dated 03.06.2023 registered under Sections 148, 149, 323, 324, 307, 120-B of the Indian Penal Code at Police Station Arya Nagar District Rohtak, Haryana.

It is submitted by counsel for the petitioner that case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the petitioner is not alleged to have caused any injury to any person. The petitioner is only alleged to be present at the scene of occurrence and some other co-accused participated in the dispute. Therefore, nothing is to be recovered from the petitioner. The petitioner has clean antecedents and he is not involved in any other case. The petitioner

shall join the investigation as and when called upon to do so.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General, Punjab, on instructions from ASI Sanjay, P S Arya Nagar, District Rohtak has submitted that the petitioner directly participated in the crime. In fact, he instigated the main accused to make an attempt to kill Akash and Vishal. Therefore, his custodial interrogation is required to unearth the dimensions of the crime. However, it is not disputed that the petitioner is not even alleged to be armed with any weapon. Moreover, he is not attributed any injury to any person. It is not disputed that the petitioner is not declared as proclaimed offender. There is no other case against the petitioner.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

July 20, 2023
mohan bimbira

Whether speaking/reasoned	Yes/No
whether reportable	Yes/No