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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M - 40814-2023
Date of decision: 21.08.2023*Sumit**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Raman Chawla, 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, praying for grant of anticipatory bail to the petitioner in case FIR No. 608 dated 13.06.2023, registered under Sections 147, 149, 307, 506 of the Indian Penal Code and Sections 25 and 54 of the Arms Act, at Police Station Sadar Hisar, District Hisar (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false, frivolous and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the name of the petitioner does not find mention in the FIR. Even the complainant has sworn in affidavit that the petitioner is not involved in the present case. Otherwise also, it is case of no injury having been caused to anybody. The only allegation is qua firing of a shot from the fire-arm, and that too, against the co-accused, *namely*, Aditya Duhan. There is no other case against the petitioner. The petitioner shall join the investigation as and when called by the police. Hence, the petitioner

deserves to be protected against his arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accepts the notice on behalf of the respondent - State.

Counsel for the State, on instructions from SI Dinesh Kumar has submitted that the petitioner is the main accused in the present case. The dispute has arisen on account of the petitioner having grudge against the victim of the case. The fire-arm was used by the co-accused when they had come to commit the crime. Therefore, the petitioner does not deserve any concession of anticipatory bail. However, it is not disputed that the name of the petitioner is not mentioned in the FIR; there is no injury caused to anybody in the incident, and that, 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/surety bonds 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

August 21, 2023

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Whether speaking/reasoned

:

Yes/No

Whether reportable

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Yes/No