

CRM-M-42403-2023

-1-

**104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-42403-2023
Date of Decision: 25.08.2023**

Prince Kumar Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ashish Sanghi, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.213 dated 31.05.2023, registered under Sections 148, 149, 307, 323 and 324 of the Indian Penal Code, 1860, and Section 25 of the Arms Act (Section 201 IPC was added later on) at Police Station Chand Hut, District Palwal.

2. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even the complainant and other person from the side of the complainant have re-affirmed the fact that the petitioner, though, was present near the spot, however, he was not one of the assailants. Even as per the story of the police, the petitioner is alleged to have given only a fist blow. Therefore, nothing is to be recovered from the petitioner. There is no other case against the petitioner. The petitioner undertakes to join the investigation as and when so required by the police. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

CRM-M-42403-2023

-2-

4. Mr. Karan Sharma, DAG, Haryana, accepts notice on behalf of the respondent-State.

5. Learned counsel for the State, on instructions from ASI Virender Singh, has submitted that the name of the petitioner is mentioned in the FIR. He is attributed punch blow on the face of one Dharam Singh, who is left with breaking of his tooth. However, it is not disputed that no weapon, as such was used by the petitioner which is required to be recovered by the police and that there is no other case against the petitioner.

6. In view of the above, but without commenting upon merits of the case, the present petition is disposed of by granting concession of anticipatory bail to the petitioner. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that 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

25.08.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No