

103

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M - 42513-2023

Date of decision: 28.08.2023

*Tarun**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Ketan Antill, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 389 dated 24.07.2023, registered under Sections 148, 149, 285, 323, 452, 506 of the Indian Penal Code and Section 25 of the Arms Act, at Police Station Kharkhoda, District Sonipat, Haryana (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. The name of the petitioner has been sought to be dragged in the case only on the basis of the alleged disclosure statements made by the co-accused; who had been arrested by the police. Even as per the said alleged disclosure statements, the petitioner is not alleged to have caused any grievous injury to any of the person and he has been shown only to be one of the participants in the incident having only wooden *danda* in his hand. 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.

- 3) Notice of motion.
- 4) Mr. Karan Sharma, DAG, Haryana accepts the notice on behalf of the respondent - State.
- 5) Counsel for the State, on instructions from ASI Vedveer has submitted that the name of the petitioner has surfaced in the crime on the basis of disclosure statements of the co-accused. The police are to recover the materials involved in the offence. However, it is not disputed that there is no other case against the petitioner, and that, the petitioner is alleged to have only a wooden *danda* in his hand.
- 6) 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 28, 2023

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	Whether reportable	:	Yes/No