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CRM-M-44717-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44717-2022 (O&M)
Date of Decision: 10.04.2023

ANKIT

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S. Kang, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G, Haryana.

Mr. Jasbir Singh Mor, Advocate
for the complainant.

* * *

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 190 dated 30.08.2022 under Sections 120-B, 148, 149, 323, 341, 506 of IPC lateron added section 307 of IPC registered at Police Station Alewa, District Jind.

On 27.09.2022, the Co-ordinate Bench of this Court had passed the following order:

“Learned counsel for the petitioner has submitted that in the present case the petitioner has been falsely implicated only because of the fact that he is the relative of the two other co-accused, namely, Pona and Monu against whom there was a grievance of the complainant as stated in the FIR. He further submitted that even a perusal of the FIR would show that the other two co-accused had enimity with the complainant in connection with some earlier case and there is no evidence with the police to connect the petitioner with the present offence except the disclosure statement of the co-accused which is otherwise not permissible in evidence. He also

submitted that the name of the petitioner has been nominated by the complainant in the FIR only because he is the relative of the other coaccused.

Notice of motion.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana accepts notice on behalf of the respondent/State and prays for some time to file reply in the present case.

Mr. Jasbir Singh Mor, Advocate has caused appearance and filed Memorandum of Appearance on behalf of the complainant.

Adjourned to 03.04.2023.

The liberty is granted to the complainant to file an affidavit, if so required, before the next date of hearing.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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.”

Reply filed by way of affidavit of Nar Singh, Deputy Superintendent of Police, Jind-Uchana, District Jind is taken on record.

Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation and on conclusion of the investigation, the challan has also been presented in the Court. Furthermore, no specific injury has been attributed by the petitioner to the injured and the injured has been discharged from the hospital. As per the contents of the reply, none of the injuries has been declared to be dangerous to life and further more at the time of incident, the allegations are to the effect that the petitioner was standing alongwith ‘Danda’ but had not inflicted any injury upon injured.

On instructions from ASI Rajesh Kumar, learned State counsel has not disputed the aforesaid factual aspects and contends that as the challan has been presented, the custodial interrogation of the petitioner is not required.

Learned counsel for the complainant has opposed the bail application on the score that the complainant is a handicapped person and further more after

procuring the order of interim bail, the petitioner threatened the complainant. A representation in this regard was also submitted to the police authorities.

On a query, learned State counsel on instruction from ASI Rajesh Kumar submits that though an application was submitted in this regard but on inquiry, the same was found to be without any substance.

In the instant case, the petitioner had joined the investigation in pursuance of the interim direction issued by the Court, Challan has been presented, no specific injury has been attributed to him, the allegations are to the effect that the petitioner was standing alongwith 'Danda' but has not inflicted any injury upon the injured, as per the medical record, no injury has been declared to be dangerous to life. As such, sufficient exceptional circumstances are made out to the concession of pre-arrest bail to the petitioner.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 27.09.2022 is made absolute.

10.04.2023

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**(VIVEK PURI)
JUDGE**

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