

(203)

2023:PHHC:067879

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45903 of 2022

Date of Decision: May 11, 2023

Sonu ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vikas Sheel Verma, Advocate for the petitioner.
Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C has been made for grant of anticipatory bail in case FIR No.0241 dated 08.06.2022 registered under Sections 307, 34 IPC and Section 25 of Arms Act, (Sections 54, 59 of Arms Act added later on) at Police Station Chand Hut, District Palwal.

2. Status report by way of affidavit of Shri Vijay Pal, Deputy Superintendent of Police, Palwal, District Palwal has been filed on behalf of the respondent- State.

3. On 30.09.2022, the following order was passed by this Court:-

“CRM-37624-2022:

Criminal miscellaneous application for exemption is allowed in terms of the prayer made, subject to all just exceptions.

CRM-M-45903-2022:

Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences

punishable under Sections 307 and 34 IPC and Section 25 of the Arms Act, 1959 (Section 54 of the Arms Act, 1959, was added later on), in a case arising out of FIR No. 241, dated 08.06.2022, registered at Police Station Chand Hut, District Palwal.

Learned counsel for the petitioner submits that false case has been planted against the petitioner merely on the basis of disclosure statement of co-accused Sonu son of Rajesh. Learned counsel further submits that from the order dated 30.08.2022 (Annexure P-2), passed by learned Additional Sessions Judge, Palwal, granting bail to the coaccused Sonu son of Rajesh, it becomes clear that complainant and coaccused Sonu son of Rajesh, have clouded with each other and a disclosure statement has been made of their own choice for implicating the petitioner in the present case. Learned counsel further refers to the observations that Sonu son of Rajesh had an altercation few days back with the complainant and also the fact that recovery of weapon has also been effected from said Sonu son of Rajesh. Learned counsel also argues that, in fact, petitioner has been made scape-goat though he is still ready to join investigation to cooperate with the investigating agency.

Notice of motion.

On the asking of the Court, Mr. Ashish Yadav, Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State. Complete copy of the paper book has already been supplied to him. He prays for some time to file reply.

Adjourned to 13.02.2023.

In the meanwhile, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, petitioner shall be released on ad-

interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2) Cr.P.C.”

4. It was stated on 21.04.2023 that recovery of motor-cycle was to be effected from the petitioner. It was also contended by learned State Counsel that the petitioner was found to be driving the motor-cycle at the time of crime, though registration number of the motor-cycle was visible.

5. Today, latest status report is filed revealing that the petitioner has since joined the investigation, however, no registration number of the motor-cycle in question is disclosed in the status report .

6. Having regard to the facts and circumstances mentioned above, without commenting anything on the merits of the case and also the fact that co-accused has already been granted bail and petitioner has also joined the investigation, order dated 30.09.2022 is hereby made absolute.

7. Disposed of.

May 11, 2023

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(DEEPAK GUPTA)

JUDGE

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