

CRM-M-46936 of 2022

[1]

2023:PHHC:074802

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-46936 of 2022

Date of decision:24.05.2023

Nitin

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Sanjay Verma, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Mr. Diwan S.Adlakha, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

1. On 27.10.2022, this Court passed the following order in the
main case:-

*“This is the second petition filed under Section 438
of the Code of Criminal Procedure, 1973 for grant of
Anticipatory bail in FIR No.184 dated 10.08.2022, registered
for offences under Sections 148, 149, 323, 341, 354, 354-B,
427, 452, 506 of the Indian Penal Code, 1860 and Section 25 of
the Arms Act, 1959, at Police Station Buria, District Yamuna
Nagar at Jagadhri.*

State counsel has filed reply by way of affidavit of

Deputy Superintendent of Police, Yamuna Nagar on behalf of the respondent-State, which is taken on record.

Counsel for the petitioner has contended that although the petitioner is approaching this Court for the second time as the first petition was withdrawn due to a typographical mistake in FIR qua the role of the petitioner. He submits that allegation against the petitioner is of intimidating the complainant's husband on 18.07.2022 by showing him a weapon. Contention raised by the counsel is that the petitioner was not present on the spot of occurrence on 19.07.2022 when the co-accused are alleged to have forcibly entered the house of the complainant and rather, it was Rinku son of Brij Pal, who was the member of the unlawful assembly.

Notice of motion.

On asking of the Court, Ms. Deepshikha Chauhan, AAG, Haryana, accepts notice on behalf of the respondent-State. She is assisted by Mr. Diwan S. Adlakha, Advocate on behalf of the complainant, who has filed Vakalatnama, which is taken on record.

List on 07.02.2023.

Petitioner is directed to appear before the Investigating Officer on 02.11.2022 at 10.00 A.M. at Police Station Buria, District Yamuna Nagar at Jagadhri and join the investigation and appear as and when called by the

Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

2. Counsel for the petitioner submits that during pendency of the petition, dispute has been settled. This fact has been affirmed by the counsel representing the complainant, who does not oppose the prayer made in the petition.
3. State counsel has filed reply by way of an affidavit of Deputy Superintendent of Police-I, Yamuna Nagar on behalf of respondent-State and submits that although the petitioner has joined the investigation, but the recovery of country-made pistol is yet to be effected from him.
4. Keeping in view the above facts, particularly, subsequent development as the dispute between the co-villagers, has been amicably settled and there is no opposition to the prayer made, petition is allowed. Order dated 27.10.2022 is made absolute subject to fulfillment of the conditions laid down in Section 438(2) Cr.P.C.

May 24, 2023
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No