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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M - 48369-2023
Date of decision: 25.09.2023

Ravi*Petitioner*
Versus
State of Haryana*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Deepak Kundu, Aulakh, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

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. 161 dated 09.03.2023, registered under Sections 148, 149, 323, 379-B and 427 of the Indian Penal Code (Sections 34 and 325 IPC added later on), at Police Station Shivaji Colony, District Rohtak (Annexure P-1).

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. Even as per the story of the prosecution, the petitioner was only present at the hotel of the complainant with stick. However, no grievous injury is attributed to the petitioner as having been caused to the complainant. Otherwise also, name of the petitioner has wrongly been involved in the case without there being any basis. The police

had not even considered it necessary to arrest the petitioner for a long time period of more than six months. However, now, the police have started threatening to arrest the petitioner. The petitioner shall join the investigation as and when called by the police. There is no other case against the petitioner. Therefore, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accepts the notice on behalf of the respondent - State.

Counsel for the State on instructions from SI Parkash has submitted that the petitioner was a part of a group of young boys, who attacked the complainant; and co-accused of the petitioner had caused grievous injuries to the complainant. However, it is not disputed that the petitioner is not attributed any serious injury to any person. It is also not disputed that the Police had not arrested the petitioner for the past six months.

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

25.09.2023

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