

CRM-M-56408-2023

Date of Decision: 18.12.2023

Bishvender

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Prashant Singh Chauhan, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.362 dated 21.10.2023, registered under Sections 323, 427, 506 and 34 of IPC, 1860 (Section 34 of IPC, 1860 deleted and Sections 147, 148, 149 and 325 IPC were added later on) at Police Station Rewari, City Rewari, District Rewari.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case due to some previous enmity. He further contends that except the offence under Section 506 IPC, all other offences are bailable in nature. He next contends that even from the allegations levelled by the complainant in the present FIR, no offence under Section 506 IPC is made out against the present petitioner. Without prejudice to his rights to raise his defence during the course of trial, the petitioner is ready to pay a sum of Rs.35,000/- as interim compensation to both the injured, namely, Tarun and Ankit of the present case.

3. On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, only the offence under Section 506 IPC is non-bailable. Apart from that, both the injured have already been discharged from the hospital. Still further, custodial interrogation of the petitioner may not be required by the prosecution.

6. Without commenting any further on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C. along with the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (iii) *The petitioner shall also file his affidavit before the concerned I.O./Arresting Officer, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the case. In case of change of place of residence/mobile number, he shall share the details with the concerned Investigating Officer.*
- (iv) *In case, the petitioner involves in any other criminal activity, during the pendency of the case, it shall be viewed seriously*

and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.

7. The petitioner is directed to deposit a sum of Rs.35,000/- with the Court of Area Magistrate/Trial Court, within a period of one week from today. The amount of Rs.10,000/- shall be disbursed to Tarun, injured and the amount of Rs.25,000/- shall be disbursed to Ankit, injured by the concerned Court against receipt and proper identification. In case, the amount is not deposited within a period of one week from today, the present petition shall be deemed to be dismissed.

8. The present petition is allowed with the above terms.

18.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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