

CRM-M-59119 of 2022 (O&M) & Connected matter 1
2023:PHHC:073255

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(101+208) CRM-M-59119 of 2022 (O&M)
DATE OF DECISION:-18.05.2023

Satish Kumar ...Petitioner

VS.

State of Haryana ...Respondent

CRM-M-28 of 2023 (O&M)

Deepak Kumar ...Petitioner

VS.

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Kushagra Beniwal, Advocate, for the petitioner,
in CRM-M-59119-2022.

Mr. M. S. Dalal, Advocate, for the petitioner,
in CRM-M-28-2023.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Manoj Kumar Taya, Advocate, for the complainant.
In both cases

HARKESH MANUJA, J.

CRM-16445-2023 in CRM-M-59119-2022

Application is allowed, subject to all just exceptions.

List of cases pending/registered against the petitioner is taken on
record.

CRM-22915-2023 in CRM-M-28-2023

Application is allowed, subject to all just exceptions.

Additional affidavit of the petitioner is taken on record.

(1) This order of mine shall dispose of the above mentioned two petitions filed on behalf of Satish and Deepak.

(2) By way of present petitions filed under Section 438 of the Code of Criminal Procedure, 1973, petitioners pray for grant of anticipatory bail in case FIR No.965 dated 13.10.2021 under Sections 148, 149, 323, 307, and 506 IPC and Sections 25, 54, 59 of the Arms Act, 1959 (Sections 25, 54, 59 of the Arms Act, 1959 was deleted lateron) registered at Police Station Sadar Karnal, District Karnal, Haryana.

(2) As per allegations levelled against the petitioners, they accompanied Rahul, Renu and Amit to the place of incident and gave injuries to the victim namely Jitender.

(3) Learned counsel for the petitioners submits that in the present case, petitioners were never named in the FIR whereas, the main accused i.e. Renu, Amit Gora and Rahul, who were specifically named in the FIR and were attributed specific role were granted anticipatory bail (Renu) and regular bail (Amit Gora and Rahul) by this Court vide order dated 05.09.2022 passed in CRM-M-12083-2022, CRM-M-12811-2022 and CRM-M-15584-2022 respectively. Learned counsel further submits that no injury of Section 307 IPC was even attributed to the petitioners.

(4) On the other hand, learned State counsel assisted by Mr. Manoj Kumar Taya, counsel for the complainant, opposes the prayer made herein while referring to the antecedents of the petitioners who have been involved in other cases of similar nature. Learned counsel for the complainant further submits that Satish who was involved in one another case i.e. FIR No.582 dated 27.06.2021 was on bail while the incident in question took place

wherein he actively participated. He also points out that benefit of bail granted in favour of Deepak in the same case i.e. FIR No.582 dated 27.06.2021 already stood cancelled by the trial Court vide order dated 09.08.2022.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) In the present case, petitioners were not specifically named in the FIR and perusal of the FIR even shows that they have not been attributed specific injuries, besides it, the accused named in the FIR i.e. Renu, Amit and Rahul have already been granted regular bail/anticipatory bail vide order dated 05.09.2022, thus, considering the allegations levelled against the petitioners in the present FIR, I deem it appropriate to extend the benefit of anticipatory bail in their favour. The interim bail granted to the petitioners i.e. Satish and Deepak vide orders dated 19.12.2022 and 04.01.2023 is thus, absolute particularly when they have already joined the investigation and are no more required by the investigating agency in the present case.

(7) It may be pointed out here that considering the fact that the petitioners are also involved in other cases, in case, the petitioners indulge themselves in any criminal activities in future and all found involved in any subsequent FIR, the prosecution shall be at liberty to move an application for seeking cancellation of this bail order.

18.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No