

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57661-2023
Date of decision: 16.11.2023

SurenderPetitioner.

Versus

State of Haryana and anotherRespondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Preeti Singh, Advocate,
for the petitioner.
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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioner seeks anticipatory bail in case FIR as under: -

FIR No.	Dated	Sections	Police Station
0485	27.09.2023	323, 34, 341, 365, 506 IPC (Section 367 IPC added lateron)	P.S. Bhiwani City, Bhiwani

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been named in the aforesaid FIR at the instance of respondent No. 2. He further contends that the petitioner is innocent and has been falsely implicated in this case.

3. Learned counsel for the petitioner contends that with the intervention of the respectables, compromise has been effected between the parties. On the basis thereof, quashing petition has been filed vide CRM-M-55250-2023, ‘*Vinod Kumar @ Binnu and others vs State of*

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Haryana and another', which is now pending for 24.01.2024. He further contends that the petitioner is ready to join investigation.

4. Notice of motion.

5. On the asking of the Court, Mr. Subhash Godara, Addl. AG, Punjab, present in Court, accepts notice on behalf of the State-respondent by submitting that 06 more cases are registered against the petitioner and he does not deserve concession of bail.

6. Mr. H.S. Gharoo, Advocate, entered appearance on behalf of the complainant to assist learned State counsel in the matter. He has not disputed the factum of compromise between the parties.

7. From the perusal of the file, it transpires that FIR in question was registered on the basis of complaint moved by the complainant-respondent No. 2 alleging that on 25.09.2023 while going to his house on motorcycle, three persons stopped his motorcycle and in the meanwhile, two other persons came on motorcycle abducted the complainant and took him to an oil mill where he was beaten. The complainant then rescued himself and came back home, thereafter, he was admitted in the hospital for treatment. The complainant had specifically named one *Vinod Kumar @ Binnu*.

8. It is further transpired from the FIR that the petitioner is not named in the FIR, moreover, the complainant-respondent No. 2 has already effected compromise and does not want to further proceed with the matter

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and even a quashing petition, i.e. CRM-M-55250-2023 (*supra*) has also been filed seeking quashing of the FIR in question.

9. Keeping in view the facts and circumstances of the case and also considering the submissions made by both sides, without commenting on the merits of the case, present petition is allowed subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

10. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.11.2023
preeti

(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |