

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.211

CRM-M-60902-2022

Date of decision : 08.05.2023

Ravi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr.Rakesh Dhiman, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

(1) Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.165 dated 18.07.2022 registered under Sections 341, 394, 397, 34 IPC and Section 25 (1-B)(a) of the Arms Act, 1959 at Police Station Manesar, Gurugram, District Gurugram.

(2) On 26.12.2022 this Court had passed the following order: -

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 341, 394, 397, 34 IPC and Section 25 (1-B) (a) of the Arms Act, in a case arising out of FIR No. 165, dated 18.07.2022, registered at Police Station Manesar, Gurugram, District Gurugram.

On oral request of learned counsel for the petitioner, complainant, namely, Shivaji s/o Sh. Suraj Bhan, r/o Kakdola, Panchgaon Manesar Gurugram, Haryana, is impleaded as party in the present petition. He undertakes to supply the amended memo of parties to the Registry within ten days from today.

Learned counsel for the petitioner contends that petitioner and other co-accused are the residents of one and same village i.e. Kakdola, Panchgaon, District Gurugram and there was some dispute with the complainant and in that regard today morning itself petitioner has received a copy of notarized affidavit executed by the complainant regarding compromise which is effected between the parties with all the accused mentioned in the FIR. Counsel undertakes to place on record said affidavit, before the next date of hearing. Counsel for the petitioner also argues that story put forth by the complainant appears to be false because rarely any such incident of looting or decoity is committed by the already known people that too of one and same village. It is further submitted that two other co-accused, Saurav Sharma and Mohit have already been released on regular bail by learned Additional Sessions Judge, Gurugram vide order dated 14.11.2022 (Annexure P-3) and 04.11.2022 (Annexure p-2), respectively. Petitioner is stated to be not involved in any other case of similar nature. After completion of investigation qua the already arrested accused, report under Section 173(2) Cr. P.C. has also been submitted before the concerned Court and that petitioner is ready to join the investigation.

Notice of motion.

On asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State.

Adjourned to 24.02.2023.

In the meanwhile, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. Petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.”

(3) Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined and cooperated with the investigation and that the State no longer requires the petitioner for investigation purposes.

(4) In the light of the submissions made on behalf of the petitioner as have been recorded in the afore quoted order as also the statement made on behalf of the State, subject to the petitioner’s abiding by the conditions prescribed under Section 438(2) Cr.P.C the order of this Court dated 26.12.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

08.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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