

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM-M-59143-2023

DATE OF DECISION : 23rd NOVEMBER, 2023

PARVEEN KUMAR

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Bhawesh Chaudhary, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in case FIR No.359 (Annexure P-1) dated 28.08.2023 registered under Sections 148, 149, 323, 341, 325, 379, 427, 120-B & 506 of IPC at Police Station Israna, District Panipat.

2. The counsel for the petitioner has submitted that the case against the petitioner is totally frivolous and concocted one. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution the only allegation against the petitioner is of giving beatings to Mahabir and Rakesh, even that at the shop of the petitioner. Therefore, it is obvious that the complainant and the alleged injured had come to the shop of the petitioner. This has even been the complaint given by the petitioner to the police that he was attacked by accomplice of the liquor contractor Rajkumar Kadyan when the petitioner was at his shop; because the petitioner had informed the police about his illegal dealings in liquor. Even MLR of the petitioner was prepared. However, no action was taken by the police on the complaint made by the petitioner. There is no other case against the petitioner. The

petitioner shall join the investigation as and when called by the police. Hence, the petitioner deserves to be protected against his arrest in the present case.

3. Notice of motion.
4. Mr. Krishan Kumar Chahal, Addl. Advocate General, Haryana, accepts notice on behalf of the State.
5. The counsel for the State, on instructions from ASI Devender Kumar, has submitted that the petitioner, his father and his brother had given beatings to one Mahabir and Rakesh. The said persons had suffered injuries at the hands of the petitioner and his family members. Therefore, the petitioner cannot allege that he is not involved in the case. Moreover, the injury suffered by the said Mahavir has been held to be grievous in nature. However, it is not disputed that the place of occurrence happens to be the shop of the petitioner and that even the petitioner had suffered injuries qua which the MLR was prepared. It is also not disputed by counsel for the State that there is no other case against the petitioner.
6. In view of the above, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of 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.

23rd November, 2023
mahima

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No