

219 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-61099-2023

Date of Decision: 20.12.2023

Harun

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Nikhil Mittal, Advocate
 for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Ms. Prarthana Duggal, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to grant the concession of anticipatory bail in case FIR No.417 dated 22.08.2023 under Sections 148, 149, 307, 323, 427 IPC and Section 25 of Arms Act, 1959 (Section 120-B IPC added later on), at Police Station Yamuna Nagar, Sadar, Haryana.

2. Learned counsel for the petitioner submits that even though the petitioner has been specifically named in the FIR and his presence has been shown at the place of occurrence, still no overt act has been attributed to him. As per him, the complainant side had implicated 22 accused in the present case by assigning them false roles. He further contends that the injury, which attracted the offence under Section 307 IPC is attributed to Irshad. He further contends that vide order dated 07.12.2023, Julfan has been granted the concession of anticipatory bail in CRM-M-60305-2023 passed by this Court.

Learned counsel further relies upon the order dated 07.12.2023 passed by this Court in CRM-M-60803-2023 and other connected cases, whereby Saud, Afsar and Enam were also granted the concession of anticipatory bail by this Court.

3. Without prejudice to his rights to raise his defence before the trial Court, learned counsel for the petitioner has voluntarily offered to pay a sum of Rs.40,000/- to the owners of two vehicles bearing Registration Nos.HR 02AN 6059 make Creta and HR 02 J 6331 make Ritz as interim compensation.

4. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Yamuna Nagar has been filed on behalf of the respondent-State in Court today and the same is taken on record. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had actively participated in the crime and had damaged both the cars belonging to the complainant and his father.

5. I have heard learned counsel for the parties and perused the case file carefully.

6. From the perusal of the file, it is apparent that no specific injury has been attributed to the present petitioner and the only role assigned to the petitioner is that he had damaged the two vehicles bearing Registration Nos.HR 02 AN 6059 make Creta and HR 02 J 6331 make Ritz by using a *danda*. However, from the submissions made by learned counsel for the parties, it is apparent that the custodial interrogation may not be required at this stage.

7. Without commenting any further on the merits of the case, the present petition is allowed. 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.

8. The petitioner is directed to deposit a sum of Rs.40,000/- with the Area Magistrate/Trial Court within a period of 15 days from today and on deposit, the said amount shall be disbursed to the registered owners of the vehicles bearing Registration Nos.HR02AN 6059 and HR 02 J 6331 in equal shares against receipt and proper identification. In case, the said amount is not deposited within a period of 15 days, the present petition shall be deemed to be dismissed.

9. The present petition stands allowed.

20.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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