

CRM-M-6977-2024 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(209)

CRM-M-6977-2024 (O & M)
Date of decision: 19.04.2024

Ajay Kumar Petitioner
V/s

State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Abhilaksh Grover, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The petitioner seeks the grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.605 dated 22.12.2023 under Sections 294, 285, 34 IPC and Section 25, 54 and 59 of the Arms Act, 1959 registered at Police Station Sadar Nuh, Nuh.

2. On 13.04.2024, the following order was passed:-

“The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case FIR No.605 dated 22.12.2023 under Sections 294, 285, 34 Indian Penal Code and Sections 25, 54, 59 of Arms Act, 1959 registered at P.S. Sadar Nuh.

The Counsel for the petitioner contends that the allegations against him are baseless. The call detail records showing his presence at the spot would not further the case of the prosecution as the petitioner and the complainant reside about 100 metres apart. He is otherwise ready and willing to join the investigation.

Notice of motion for 04.04.2024.

On the asking of the Bench, Mr. Ravish Kaushik, Additional Advocate General, Haryana accepts notice on behalf of the State.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.PC:-

(i) that the petitioner shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade them from disclosing such facts to the court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission to the Court and shall surrender their passport(s), if any.

Meanwhile the State is directed to file to the petition on or before the next date of hearing”.

3. Pursuant to the passing of the aforementioned order, the petitioner has joined the investigation on a number of occasions, though, he is stated to have not got recovered the weapon of offence which as per the petitioner he does not possess.

4. The learned counsel for the State, on the other hand, contends that though the petitioner has joined the investigation, he had not got

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recovered the fire-arm allegedly used to fire at the door of the house of the complainant.

5. Be that as it may, as it is a case of no injury having been caused to any person, the custodial interrogation of the petitioner is not required, moreso, when the veracity of the allegations levelled against the petitioner and his co-accused would be a subject-matter of the Trial.

6. In view of the above, the interim order dated 13.02.2024 is made absolute.

7. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

April 19, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No