

CRM-M-22977-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-22977-2024
Decided on: 15.05.2024

Raj Kumar Mukundlal Arora ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arun Chander Sharma, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
252	23.04.2024	Chandni Bagh, District Panipat	323, 34, 452, 506 IPC (Section 34 IPC deleted later on)

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide a detailed order dated 08.05.2024, State was asked to file reply and this Court had granted interim bail to the petitioner.
3. Petitioner’s counsel submits that he has joined the investigation and complied with the order dated 08.05.2024. Counsel further submits that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Counsel for the State has handed over the reply dated 14.05.2024, which is taken on record, and on instructions, does not dispute the above said contention but opposes the bail.
5. Prosecution’s case is being taken from reply dated 14.05.2024, which reads as



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under:-

"i. That on 23.04.2204, complainant namely Manohar Lal came in the police station and present a written complaint by name against the petitioner namely Raj Kumar Mukundlal Arora @ Raju and three others namely Naresh, Surrender and Kishori inter alia with the allegations of trespassing in his office, demanding share in his property and demanding rupees four to five lakhs and for giving him beatings with cricket bat on his refusal. The contents of the complaint are not repeated herein for the sake of brevity and to avoid repetition as the same is already annexed by the petitioner as Annexure P-1.

On the basis of the above said facts, allegations and nature of crime, a formal FIR No.252 dated 23/04/2023 under Sections 323, 452, 506, 34 of Indian Penal Code. The FIR is already annexed by the petitioner with petition as Annexure P-1 for kind perusal of this Hon'ble Court.

Complaint also presented his MLR alongwith his complaint which is annexed herewith as Annexure R-1.

ii. That after registration of the FIR, the investigation was carried out by HC Tejpal No. 343, PPT. He inspected the crime spot, recorded the statement of persons found present there, prepared the rough site plan of the place of occurrence. However, no any evidence of taking money from the complainant was found from the investigation conducted at the spot.

iii. That on 25.04.2024, CCTV footage installed from the neighbourhood of the place of occurrence was taken into police possession along with certificate under section 65-B of Indian Evidence Act. The perusal of the CCTV footage revealed that the petitioner alone visited the crime spot on a motorcycle along with cricket bat.

iv. That on 30.04.2024, complainant presented his treatment record and photographs of his injuries, which were taken into police possession as evidence. He also got recorded his supplementary statement under section 161 of Cr.P.C that only one person namely Raju (Petitioner) gave him injuries. True Copy of Statement under section 161 of Cr.P.C is annexed herewith as Annexure R-2.

V. That on 30.04.2024 itself, Sh. Rakesh Kumar, INSP/SHO, P.S Chandni Bagh, Panipat verified the facts and circumstances of the case. He examined the complaint, CCTV footage and supplementary statement of the complainant and found that only one person namely Raj Kumar Mukundlal @ Raju (Petitioner) is involved in the commission of crime and found Surrender @Happy, Naresh and Surrender @ Kishor to be innocent. Hence, Section 34 of IPC was deleted from the case as per the nature of crime.

vi. That thereafter on 02.05.2024, Doctor Opinion with regard to the injuries suffered by the victim was taken and he opined that the injury no. 1 is grievous in nature. Hence, Section 325 of IPC was added in the case as per the nature of crime. True copy of Doctor Opinion is annexed herewith as Annexure R-3.

vii. That thereafter on 14.05.2024, petitioner appeared before the investigating officer along with interim order dated 08.05.2024 passed by this Hon'ble Court. He was joined in the investigation of the case. During joining, he confessed to his role in crime and suffered his disclosure statement. he also got recovered cricket bat and motorcycle used by him

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in the commission of crime as per his disclosure statement. Thereafter, he was released on police bail after taking requisite surety bonds in compliance of order dated 08.05.2024. True copy of Disclosure Statement of the petitioner is annexed herewith as Annexure R-4.
viii. That the further investigation is still in progress and the challan will be filed as soon as the investigation completes.”

6. I have heard counsel for the parties and gone through the petition.
7. In the entirety of facts and circumstances of the case and the fact that petitioner has joined the investigation and complied with the order dated 08.05.2024, petitioner makes out a case for anticipatory bail.
8. Given above, petition is allowed and interim order dated 08.05.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

15.05.2024

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Whether speaking/reasoned: Yes

Whether reportable: No.