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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23100-2024

Date of decision: 02.07.2024

Mohit Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Abhishek Goel, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Ms. Pooja Chhabra, Advocate for
Mr. Rahul Deswal, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.273 dated 10.04.2024 under Sections 323/354-A/506/34 of IPC registered at Police Station Shahbad, Kurukshetra.

On 08.05.2024, the following order was passed:-

'The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C. '), seeking anticipatory bail in FIR No.273 dated 10.04.2024 under Sections 323, 354-A, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Shahbad, Kurukshetra.

Learned counsel for the petitioner, inter alia, contends that the petitioner is brother-in-law of the complainant and there is a family dispute between the parties and he has been falsely implicated in the present case. After due deliberation, as admittedly, FIR (supra) has been lodged after a delay of 16 days, which is a counter-blast to the complaint submitted by the petitioner before the jurisdictional police authorities. The FIR (supra) has been lodged out of personal vendetta and private spite to wreak vengeance on the petitioner. All the allegations levelled against the petitioner are implausible and far-fetched and no notice under Section 41-A Cr.P.C. was not issued to him. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 05 years. As such, the petitioner is entitled to anticipatory bail.

Notice of motion.

On asking of the Court, Ms. Geeta Sharma, DAG, Haryana

accepts notice on behalf of the respondent-State and Mr. Rahul Deswal, Advocate accepts notice on behalf of the complainant and files Power of Attorney, which is taken on record. Learned counsel for the complainant has vehemently opposed the prayer made by the petitioner on the ground that the petitioner has beaten up the complainant number of times and he has made her life miserable and even after effecting the compromise, he again beaten up her. Even there is no delay on the part of the complainant with regard to informing the local police regarding the incident.

Adjourned to 02.07.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer.*

In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation. If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from Constable Neetu, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 08.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

02.07.2024

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