



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

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CRM-M-30379-2024

Date of decision: 04.09.2024

Gaurav Kumar

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Rohit Kapoor, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

Mr. Santlal Barwala, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.180 dated 27.03.2024 under Sections 147, 149, 323, 325, 341, 427, 506 of IPC (Section 379-B of the IPC was added later on), registered at Police Station HTM Hisar, District Hisar.

2. On the last date of hearing i.e. 24.06.2024, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Counsel for the petitioner submits that the FIR is an outcome of a minor accident between two vehicles, which ended in an altercation amongst the occupants. He submits that the petitioner is accused of inflicting injuries, which have attracted offence under Sections 323 and 325 IPC. He submits that the main



accused Jagbir Singh Hooda, who is a police official, has been arrested and released on regular bail. It is his contention that the petitioner has been falsely accused of snatching a gold chain, to make the offence grave.”

3. Status report by way of affidavit of Sh.Harinder Kumar, Deputy Superintendent of Police, HQ Hisar, District Hisar, has been filed in Court today on behalf of respondent-State. The same is taken on record. A copy thereof has been handed over to learned counsel for the petitioner.

Learned State counsel, on instructions from ASI Ravinder Kumar, has not disputed the submissions made by the counsel for the petitioner that there has been compliance of the aforesaid order and the petitioner has indeed joined investigation. However, learned State counsel has submitted that the petitioner has not got the gold chain, which he snatched from the complainant, recovered. Hence, his custodial interrogation would be required for the recovery of the gold chain.

4. Learned counsel for the complainant has also opposed the prayer and submissions made by the counsel opposite. It has been submitted that there are specific allegations against the petitioner, who along with the co-accused, physically assaulted the complainant after there was a minor accident between the vehicle of the complainant and the petitioner; there was a CCTV footage wherein the petitioner was clearly visible slapping a friend of the complainant namely Sachin. Learned counsel for the complainant has submitted that in the circumstances and in view of the role played by him in the occurrence in question, the petitioner did not deserve the concession of anticipatory bail.



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5. On a pointed query put to the learned State counsel as to whether any specific injury had been attributed to the petitioner, he, on instructions, has submitted that although no specific injury much less inviting the mischief of Section 325 of the IPC had been attributed to the petitioner, however in the CCTV footage retrieved from the place of occurrence, the petitioner was visible slapping one of the friends of the complainant namely Sachin and also pushing him.

6. I have heard learned counsel for the parties and have perused the relevant material placed on record.

7. The Hon'ble Supreme Court has repeatedly emphasized that Courts must assess a prayer for bail independently, without being swayed by the arguments of the complainant or the prosecution much less for recovery of the cheated amount of money or any other article etc. The Courts are only to satisfy itself while considering a prayer for grant of bail that the legal criteria for granting bail are met; the Court is not to act as agents for recovering the dues etc. of the complainant.

8. In view of the above, the petition is allowed and interim order dated 24.06.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

September 04, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No