

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-47956-2023

Date of decision: 06.03.2024

Vikas Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harmandeep Singh Saini, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

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.609 dated 11.10.2022 under Sections 302/307/323/325/147/149/506 of the IPC (Sections 302/307/325 of the IPC added lateron), registered at Police Station Civil Line, Hisar, Distirct Hisar.

2. Learned counsel for the petitioner submits that in compliance of order dated 21.11.2023 passed by a Coordinate Bench of this Court in the following terms, the the petitioner has joined investigation and cooperated with the investigating agency:-

“Learned counsel for the petitioner submitted that the name of the petitioner has been nominated on the basis of disclosure statement of a co-accused and no specific role has been attributed to the petitioner. He further submitted that the petitioner is having no criminal antecedents except for one FIR under Section 323 IPC.”

3. Learned counsel for the petitioner has also submitted that it is a matter of record that while stepping into the witness box, stamped

witness Uday did not support the case of the prosecution and could not identify any of the accused including co-accused Himanshu on whose disclosure statement the petitioner came to be nominated as an accused in the instant case.

4. Learned State counsel, on instructions, has not disputed that the petitioner has joined investigation. She, however, submits that recovery of a danda is yet to be effected.

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

6. Once the petitioner has joined investigation, mere non-recovery of a danda which was allegedly used by the accused including the petitioner in the crime in question, cannot be a ground to deny the extraordinary concession of anticipatory bail to him.

7. In view of the above, the petition is allowed and interim order dated 21.11.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

06.03.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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