

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46103-2024
Date of Decision:17.09.2024

Sachin ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Pushp Jain, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.530 dated 03.08.2023, under Sections 379-B,341,147,149 and 323 of IPC, registered at Police Station City Sirsa, District Sirsa (Annexure P-1).
2. Learned counsel for the petitioner contends that the F.I.R in the present case was registered on 03.08.2023 and after registration of F.I.R, the investigation was conducted and no evidence was found against the present petitioner. However, now, after a period of one year, the police has raided the house of the petitioner, at the instance of the complainant. He further contends that even otherwise, the version of the complainant is highly improbable. It has been alleged that seventeen persons had caused injuries to the complainant and his father, whereas, the complainant had suffered only three injuries. He further contends that similarly placed co-accused Dhammu @ Rahul has been granted the concession of anticipatory bail by this Court vide order dated 11.09.2024 in

CRM-M-39203-2024 (Annexure P-4). Even co-accused namely Vicky @ Mammu has also been granted the concession of bail by the Court of Additional Sessions Judge, Sirsa vide order dated 27.03.2024 (Annexure P-3).

3. On advance notice, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner along with his co-accused had attacked the complainant side and the petitioner may tamper with the prosecution evidence in the present case.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. It is not in dispute that parties were inimical towards each other and a cross version (Annexure P-2) has also been registered against the complainant side. Thus, the question of aggressor is yet to be adjudicated by the Trial Court. Moreover, similarly placed co-accused Dhammu @ Rahul has already been admitted the concession of anticipatory bail by this Court and the case of the petitioner is at par with him.

6. Consequently, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of the B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482 (2) of the B.N.S.S.

(N.S.SHEKHAWAT)
JUDGE

17.09.2024
hitesh

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