

2024:PHHC:001110
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54326-2023
Date of Decision:08.01.2024

Surender Sharma ...Petitioner

vs.

State of Haryana ...Respondent

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

Present : Mr. Abhijeet Sharma, Advocate and
Mr. Ganesh Chand Sharma, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

Mr. Akashdeep Singh, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.PC with a prayer to grant anticipatory bail in case FIR No. 394 dated 01.09.2023, registered under Sections 148,149,308,323,324,365,379-B, 506 and 511 of IPC, Police Station Kheripul, District Faridabad.
2. While granting the concession of interim anticipatory bail by this Court vide order dated 15.11.2023, this Court had noticed the following submissions:-

“Learned senior counsel for the petitioner contends that the petitioner is a renowned businessman and has been falsely involved in the present case due to some property dispute. Learned senior counsel further submits that the petitioner has property dispute with his three brothers and the complainant is the father-in-law of the brother of the petitioner. He further

contends that since long, all the brothers of the petitioner were extending threats to him and the petitioner had already submitted a representation dated 14.08.2023 (Annexure P-3) for grant of protection of life and liberty, before the Commissioner of Police, Faridabad. Learned senior counsel further contends that the only allegation against the present petitioner is that he tried to kidnap the son of the complainant and had hit the complainant on head with a stick. He further contends that as per the MLR of the complainant, the said injury on the head of the complainant was simple in nature. He, however, contends that from the CCTV footage of the place of occurrence, it is apparent that the petitioner was not present there and had not participated in the alleged occurrence. Learned senior counsel has also referred to the reply submitted by the State to contend that as per the CCTV footage, only, Himesh Sharma, Himanshu Sharma, Kamal @ Kammu Sharma, Vinay Verma, Vishesh Deswal, Tushar and Ankit were allegedly present at the place of the occurrence. He further contends that the petitioner is a first offender and is ready to join the investigation.”

3. Learned counsel for the petitioner submits that in compliance of the interim order dated 15.11.2023 passed by this Court, the petitioner has joined the investigation and has fully co-operated with the Investigating Agency.

4. Learned State counsel also submitted that the petitioner has joined the investigation and is no longer required for further investigation in the present case.

5. On the other hand learned counsel appearing on behalf of complainant submits that the petitioner and his co-accused had caused injuries on the person of the injured namely Rakesh Sharma in the present case.

However, as per the CCTV footage, the presence of the petitioner could not

found at the place of said occurrence.

6. In view of the above statement made by learned State counsel, the interim order dated 15.11.2023 is made absolute. The petitioner shall continue to join the investigation, as and when called by the Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 Cr. PC.

08.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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