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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58952-2023

Date of Decision:18.01.2024

Kuldeep

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. B.S.Beniwal, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. Reply by way of an affidavit of Deputy Superintendent of Police, Fatehabad, District Fatehabad has been filed on behalf of the respondent-State in Court today and the same is taken on record.

2. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.269 dated 02.10.2023, registered under Sections 34, 458, 506 of IPC, at Police Station Bhattu Kalan, District Fatehabad, (under Sections 459/148/149 IPC added and under Section 34 IPC deleted later on).

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR. It has been wrongly alleged by the prosecution that the petitioner was also known as Rahul in the village. In fact, there is no alias on the name of the present petitioner. Learned counsel for the petitioner further contends that no specific injury has been attributed to the present petitioner. In fact, the complainant/injured had suffered three injuries and only one injury on the right leg has been declared to be grievous in nature, which is on the non-

vital part of the body. He further contends that the petitioner is ready to join the investigation in the present case. He further contends that the petitioner is aged about 19 years and a student of 10+2 class. Apart from that, the petitioner is not having any criminal antecedents and his case deserves sympathetic consideration by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner along with other three co-accused had entered the petrol pump and had caused injuries to the complainant with a wooden stick due to some old enmity between the parties. She further contends that the petitioner is also known as Rahul in the village and has been specifically named in the FIR.

5. Having heard learned counsel for the parties and perusing the record, this Court is of the considered opinion that the petitioner deserves the concession of anticipatory bail. The petitioner is a young boy, aged about 19 years and is a student of 10+2 class and having no criminal antecedents. Even no specific injury has been attributed to the present petitioner and his custodial interrogation may not be required, at this stage.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

(N.S.SHEKHAWAT)
JUDGE

18.01.2024
hemlata

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