

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-59280-2023

Date of Decision:10.01.2024

PAWAN

.....Petitioner

Vs.

STATE OF HARYANA

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vikas Kumar, Advocate
for the petitioner.

Mr. Sumit Jain, Additional AG, Haryana
assisted by ASI Pardeep Singh.

DEEPAK GUPTA, J.(ORAL)

On 28.11.2023, following order was passed:

“By way of present petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail in case FIR No.437 dated 13.06.2023, under Sections 147, 149, 323, 307, 365, 379-B, 427, 506 and 120-B of IPC (Sections 148 has been deleted while Sections 147 and 325 IPC have been added in the challan submitted in the Court), besides Section 25 of the Arms Act, 1959.

FIR was registered on the basis of complaint moved by Sohail son of Abdul Rehman, as per which, he was in the business of sale and purchase of vehicles on commission basis. On 12.06.2023, he along with Amit got ready to meet Kapil Bhadana in Anangpur at 11:00 P.M. Complainant was also accompanied by Aman alias Boxer, Tufani, Salman and Dalip. At Badarpur Border, Neeraj met them, who was also accompanied by 3-4 more boys, who also followed the complainant and others on their vehicle. Kapil Bhadana met them near his house situated Kant Enclave. At about 02:00 AM, as they all were returning and standing near their vehicle, three cars and 5-6

motor-cycles stopped. 20- 30 persons alighted from the vehicles, armed with iron rods and dandas. One of them fired on the complainant, who laid on the road to save him. The assailants started beating him (complainant) with danda and iron rods. His companions tried to save him but were chased by the assailants. Complainant recognised some of the assailants as Mannu, Deepak, Sarjeet, Ashok, Pardeep, Jaihind @ Jaihind Bhadana, Ravinder, Herry Sarpanch, Pardeep and Tiger Faridpuria, who also snatched ₹60,000/- from his pocket. They also put the complainant in their vehicle to take him somewhere but on seeing the police party on the way, they left the complainant and one vehicle on the road. It was alleged further that all this occurrence was planned by petitioner Pawan.

Contention of learned counsel for the petitioner is that only role attributed to the petitioner is that all the aforesaid occurrence was planned by the petitioner.

Learned counsel for the petitioner contends that petitioner was not even present at the spot of occurrence. It is further contended that co-accused Ravinder has already been allowed bail by the Court of learned Addl. Sessions Judge, Faridabad, vide order dated 26.09.2023.

Notice of motion.

Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 10.01.2024 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C ”

Today learned State counsel, on instructions from ASI Pardeep

Singh submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 28.11.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

10.01.2024

(DEEPAK GUPTA)
JUDGE

pry

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No