



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-48037-2024 (O&M)

Date of decision: February 3rd, 2025

Raj Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satyawan Singh Nain, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail in FIR No.280 dated 07.09.2024 under Sections 140(3), 308(3), 309(4) and 351(2) of the BNS, 2023, registered at Police Station DLF Phase-1, Gurugram.

2. Status report by way of affidavit of Assistant Commissioner of Police, Crime-II, Gurugram, has been filed in Court, which is taken on record subject to just exceptions.

3. Vide order dated 25.09.2024 passed by a coordinate Bench of this Court, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“The FIR was lodged at the instance of Mohit, wherein it is alleged that he is a driver by profession and plies auto-rickshaw in Gurugram. It is alleged that the petitioner alongwith accused Sudhir and Gandhi Singh @ Jony had threatened him with dire consequences and they

were demanding that the complainant should pay an amount of Rs.3,000/- per day for plying the auto-rickshaw in the region. Learned counsel for the petitioner submitted that as a matter of fact the petitioner as well as the complainant and other accused were friends and were on visiting terms and had been celebrating functions in the family jointly as is also evident from the recording in pen-drive annexed as Annexure P-3 with the present petition. Learned counsel for the petitioner has drawn the attention of this Court to the photographs (Annexure P-4), wherein the complainant is standing in the middle and petitioner Raj Kumar is shown to be standing on the right side wearing a yellow t-shirt. Learned counsel submitted that as a matter of fact the petitioner had advanced a loan of Rs.45,000/- to the complainant in the year 2023 and that although a part of the loan was returned, but a substantial amount was still outstanding and since the petitioner had been demanding back the same, the complainant in order to avoid payment had got him falsely implicated. It has also been submitted that the petitioner has a clean record and is not involved in any other case.”

4. Learned counsel for the petitioner submits that in compliance of order dated 25.09.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation. However, he submits that the petitioner has not fully cooperated during investigation as he had not disclosed the whereabouts of the co-accused.

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

7. In the facts and circumstances of the case in hand, once the petitioner has joined investigation in compliance of order dated

25.09.2024, he cannot be denied the concession of anticipatory bail, by merely saying that he was not cooperating by not disclosing the whereabouts of the co-accused.

8. Without commenting upon the merits of the case, the petition is allowed and interim order dated 25.09.2024, is made absolute subject to the conditions laid down in Section 438(2) of the Cr.P.C./482(2) of the BNSS.

February 3rd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No