
(2020) 12 P&H CK 0197

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 28605 Of 2020(O&M)

Kaka @ Kushvinder Rana

APPELLANT

Vs

State Of Haryana And Another

RESPONDENT

Date of Decision : 11-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 148, 149, 323, 452, 427, 307, 379B, 506
Arms Act, 1959 — Section 25
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 12 P&H CK 0197

Hon'ble Judges : Aj Mohan Singh, J

Bench : Single Bench

Advocate : Priyavrat Parashar, Deepak Bhardwaj, Neeraj Goyal

Judgement

Raj Mohan Singh, J

The case has been taken up for hearing through video conferencing.

The petitioner seeks grant of anticipatory bail in case bearing FIR No.412 dated 12.09.2019 registered under Sections 148, 149, 323, 452, 427, 307,

506, 379-B and 120-B IPC and Section 25 of the Arms act at Police Station Pundri, Kaithal.

Learned counsel for the petitioner contended that the petitioner has been named in the FIR, but weapon was used by one Shokin and the same has

been recovered. Co-accused namely Vipin and Rajinder who were not named in the FIR, have already been granted bail by the Court of Sessions

including co- accused Shokin. Three of the co-accused have been found to be innocent during course of investigation.

Learned State counsel submitted that a compromise has been effected between the parties and the complainant has executed an affidavit to depose

that the petitioner was not present in the locality.

Notice of motion was issued on 29.09.2020 to the following effect:-

â??Counsel contends that the though the petitioner has been named in the FIR by the complainant Angrez but the weapon was used by Shokin which

has been recovered. The said fact is also corroborated by Mr. Anant Kataria, DAG, Haryana as such. It is submitted that the other accused, who

were not named in the FIR namely Vipin and Rajender have been released by the Additional Sessions Judge, Kaithal on 14.01.2020 (Annexure P-2)

including Shokin, the main accused. It has been noted also that three of the accused named in the FIR have been found innocent during investigation.

It is submitted that a compromise as such has also been effected and the affidavit of the complainant has come on record (Annexure P-4). The

petitioner is stated to be not present in the locality and, therefore, the denial of anticipatory bail, which was filed only on 07.09.2020, as such by the

Additional Sessions Judge, Kaithal was not justified. It is, thus, pointed out that investigation is complete qua the other accused and there is no role of

the petitioner and he is stated to have just come out of the car and stated to have a DANDA and BHINDA in his hand.

Notice of motion.

Mr. B.S. Sewak, Addl. A.G., Punjab accepts notice on behalf of the State.

Adjourned to 11.12.2020.

In the meantime, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on ad-interim

bail subject to the satisfaction of the investigation officer. The petitioner shall join investigation as and when required and shall comply with the

conditions laid down in Section 438(2) Cr.P.C.

(G.S. SANDHAWALIA) JUDGEâ??

Learned State counsel on instructions from SI Kitab Singh admitted that the petitioner has joined the investigation on 12.10.2020 and further stated that

danda has been recovered from the petitioner.

In view of above, order dated 29.09.2020 is made absolute. However, petitioners shall keep on joining the investigation as and when required to do by

the Investigating Officer and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.