

# Law Today Live Doc. Id. 15123

**PUNJAB AND HARYANA HIGH COURT****Before: Rajbir Sehrawat, J.**

CRM-M No.18223 of 2020

Decided on: 13.07.2020

Abhishek

Petitioner

Versus

State of Haryana

Respondent

*In virtual Court*

Present:

Mr. Vikas Lochab, Advocate for the petitioner.

**Code of Criminal Procedure, 1973 (2 of 1974), Section 438 -- Indian Penal Code, 1860 (45 of 1860), Section 148, 149, 307, 341 & 506 -- Arms Act, 1959 (54 of 1959), Section 25 -- Attempt to murder -- Anticipatory bail -- Specific allegations against the petitioner, however police had not recovered even any empties/fire bullet from the spot -- In this incident no injury is caused to the complainant by any fire arm -- Petition allowed, in the event of arrest, the petitioner be released on bail.**

**(Para 1,5,6)****JUDGMENT****RAJBIR SEHRAWAT, J. (ORAL) –**

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.08 dated 04.01.2020 registered under Sections 148, 149, 307, 341 & 506 IPC and Section 25 of the Arms Act, at Police Station City Mahendergarh, District Mahendergarh.

2. It is contended by counsel for the petitioner that the case against the petitioner is motivated and baseless. In fact, it was the complainant side, who had earlier tried to ransack the house of the petitioner. On that count, an FIR was already lodged by the side of the present petitioner. Regarding the same incident, but after a delay of about 25 days, the present FIR has been registered. Even as per the allegations in the present FIR, no injury is attributed to the petitioner. The petitioner had never fired from any fire arm; as alleged in the FIR. Therefore, the police had not even found any empties/fired bullets at the spot of alleged incident. The petitioner is ready to join the investigation. Hence the petitioner deserves the concession of anticipatory bail.

3. Notice of motion.

4. Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State.

5. Learned State counsel, being instructed by ASI Devender Singh, has submitted that factual matrix, as pointed out by the petitioner, is not disputed. But, there are specific allegations against the petitioner. However, it is not disputed that the police had not recovered even any empties/fire bullet from the spot. It has also not been disputed that in this incident no injury is caused to the complainant by any fire arm.

6. In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

**Petition allowed.**

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