

Sunil Kumar @ Sunil Vs. State of Haryana

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Court : Punjab and Haryana

Decided On : Aug-19-2013

Appellant : Sunil Kumar @ Sunil

Respondent : State of Haryana

Judgement :

CRM not M-20417 o

1. IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM not M-20417 of 2013 Date of Decision:- 19.08.2013 Sunil Kumar @ SunilPetitioner Versus State of HaryanaRespondent CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR Present: Mr. Sushil Saini, Advocate, for the petitioner. Mr. Gourav Verma, Asstt. A.G., Haryana for the respondent-State. Mr. A.N. Aggarwal, Advocate and Mr. Ashish Gupta, Advocate for the complainant. ***** MEHINDER SINGH SULLAR , J.(oral) Petitioner-Sunil Kumar @ Sunil son of Partap Singh, has preferred the instant petition for the grant of anticipatory bail in a case registered against him along with his other co-accused, vide FIR No.172 dated 24.05.2013, on accusation of having committed an offence punishable under Section 386 IPC, by the police of Police Station Dharuhera, District Rewari, invoking the provisions of Section 438 Cr.P.C.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the Kumar Naresh 2013.08.21 15:57 I attest to the accuracy and integrity of this document Chandigarh CRM not M-20417 o

2. entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. As is evident from the record that Megha daughter of complainant Mukesh Agarwal, has eloped with the petitioner. She was produced by the police before the Child Development Society, where she made the statement (Annexure P-2) to the effect that she performed the marriage with the petitioner as per her will. In that eventuality, the possibility of false implication of the petitioner, by the complainant, cannot be ruled out, at this stage.

5. not only that, during the course of preliminary hearing, a Co-ordinate Bench of this Court (Satish Kumar Mittal, J.), has passed the following order on June 27, 2013: - Sunil Kumar alias Sunil has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.172 dated 24.5.2013 under Section 386 IPC, registered at Police Station Dharuhera, District Rewari. Learned counsel for the petitioner inter-alia contends that the aforesaid FIR has been registered on the complaint made by the complainant stating therein that on telephone, the petitioner had threatened him and demanded an amount of `2.00 lacs. He further contends that daughter of the complainant married the petitioner against the wishes of her family members and on that account, this false FIR has been registered. Learned counsel submits that even the ingredients of Section 386 IPC are not made out in this case. Notice of motion to Advocate General, Haryana, for 31.7.2013. Meanwhile, in the event of arrest of the petitioner, he shall be released on bail subject to the following conditions:- (i) that he shall make himself available for interrogation by a police officer as and when required; (ii) that he shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; Kumar Naresh 2013.08.21 15:57 I attest to the accuracy and integrity of this document

3. (iii) that he shall not leave India without the previous permission of the Court.

6. At the very outset, on instructions from ASI Surinder Singh, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation. The offence alleged against the accused is triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

7. In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner by this Court, by virtue of order dated June 27, 2013, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C. Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail, in this respect. August 19, 2013 (MEHINDER SINGH SULLAR) naresh.k JUDGE Kumar Naresh
2013.08.21 15:57 I attest to the accuracy and integrity of this document
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