

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-12490 of 2015 (O&M)
Date of Decision: 30.6.2015

Deepak Yadav

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rajesh Bhateja, Advocate for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-12490 of 2015 (Deepak Yadav Vs. State of Haryana) and CRM No. M-14795 of 2015 (Rajhans @ Raju Vs. State of Haryana) as both these petitions have been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioners in case F.I.R. No. 127 dated 19.3.2015 under sections 148, 149, 323, 324 I.P.C (section 326 I.P.C added later on) registered at Police Station, Kherki Daula, District Gurgaon.

On 22.4.2015, while issuing notice of motion in CRM No. M-12490 of 2015, the following order was passed by this Court:-

“Counsel would contend that the injury which has attracted offence under section 326 I.P.C has been attributed to Daman and Uchender i.e. non-applicants. Counsel further submits that as per complainant's version the petitioner was armed with an iron rod. That apart, counsel submits that after the alleged occurrence even a compromise dated 1.4.2015 at Annexure P-2 has been effected with the intervention of the Panchayat.

Notice of motion, returnable for 30.6.2015.

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In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Likewise, notice of motion order dated 11.5.2015 passed in CRM No. M-14795 of 2015 reads in the following terms:-

“Counsel would submit that the injury which has attracted offence under Section 326 IPC has been attributed to Daman and Uchender i.e. non-applicants.

Counsel further submits that as per complainant's version, the present petitioner was armed with an iron rod. Counsel further submits that after the alleged occurrence, even a compromise dated 01.04.2015 at Annexure P-3 has been effected with the intervention of the Panchayat. Counsel apprises the Court that in view of the compromise even the main accused that is Daman and Uchender have been granted ad interim protection as regards arrest vide Annexure P-4.

Notice of motion, returnable 30.06.2015.

To be listed along with CRM No.M-12490 of 2015.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Brahm Parkash would apprise the Court that the petitioners in both these connected petitions have since joined investigation. That apart, the

observations contained in the notice of motion orders passed in both these petitions have gone unrebutted.

Accordingly, both the petitions are allowed. Order dated 22.4.2015 passed in CRM No. M-12490 of 2015 and order dated 11.5.2015 passed in CRM No. M-14795 of 2015 are made absolute.

Petitions disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

30.06.2015

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