

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-31394-2014

Date of decision: 20.03.2015

Ashu and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Munish Behl, Advocate for the petitioner.

Mr. Aditya Sanghi, Addl. AG, Haryana.

Mr. BK Chaudhary, Advocate for
Mr. Pankaj Bali, Advocate for respondent No. 2.

R.P. NAGRATH, J. (ORAL)

This petition under Section 438 Cr.P.C. has been filed by the petitioners seeking anticipatory bail in FIR No. 293 dated 03.08.2014 registered under Sections 148/149/323/324/506 of the Indian Penal Code (IPC) and Section 326 IPC (added later on) at Police Station Ambala Cantt. District Ambala.

When this case was listed on 20.11.2014, following order was passed:-

“Learned counsel for the petitioners has argued that in a petition for quashing the present FIR on the basis of compromise this Court has directed the Illaqa Magistrate to record the statements of the parties and the report has been directed to be sent before 20.02.2015.

To come up along with CRM-M-29892-2014 on

20.02.2015.

In the meantime, arrest of the petitioners shall remain stayed.”

Learned counsel for the petitioners submits that a compromise has been arrived at between the parties for which **CRM-M-29892-2014** has already been filed. The statements of complainant and that of the petitioners have been recorded by the Area Magistrate but that petition is still pending because the other injured/aggrieved persons, namely; Sagar younger brother of respondent No. 2 and Phool Bala mother of respondent No. 2 have not been impleaded as necessary parties. It is further submitted that custodial interrogation of the petitioner would not be necessary.

In view of the above and without expressing any opinion on merits of the case, the instant petition is allowed and the interim bail granted to the petitioners vide order dated 20.11.2014 is made absolute. The petitioners are directed to appear before the Investigating Officer on 30.03.2015 and join the investigation. In the event of arrest of the petitioners, they be admitted to interim bail by the Investigating Officer/Arresting Officer to his satisfaction. They shall join the investigation as and when called upon by the Investigating Agency and co-operate in the investigation of this case. They would also abide by all the conditions as envisaged by Section 438 (2) Cr.P.C.

In case, the petitioners failed to do so, the concession granted to them by this order shall automatically stands vacated.

March 20, 2015
rishu

(R.P. NAGRATH)
JUDGE