

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38179 of 2015

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Date of decision:9.12.2015

Munshi Ram and others

.....Petitioners

v.

State of Haryana

.....Respondent

....

Present: Mr. Sandeep Gahlawat, Advocate for the petitioners.

Mr. Himmat Singh, Assistant Advocate General, Haryana for
the respondent-State.

Mr. Harkeerat Singh, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.734 dated 2.9.2015 (Annexure-P.1) registered for the offences under Sections 323, 324, 506 and 34 IPC and (Section 307 IPC which was added later on) at Police Station Model Town, District Panipat.

Notice of motion has been issued in this case.

Mr. Himmat Singh, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. Harkeerat Singh, learned Advocate has appeared on behalf of the complainant and contested this petition.

I have heard learned counsel for the parties and have gone

through the record.

First of all the present petitioners were arrested and were released on regular bail by the trial Court. Later on, the offence under Section 307 IPC was added and this petition for grant of anticipatory bail has been filed in the newly added offence.

As per the prosecution version, petitioners No.1 and 2-Munshi Ram and Sonu were empty handed. Petitioner No.3-Sunil is stated to be a disabled person. No injuries were attributed to petitioners No.1 & 2. Sunil was stated to be armed with a 'Danda' and he gave a 'Danda' blow to Mukesh another injured which injury was found to be simple. The injury under Section 307 IPC is not attributed to any of the petitioners, rather it is attributed to another co-accused.

In the present case, learned State counsel on instructions from the Investigating Officer states that four notices were given to the petitioners, but they have not joined the investigation and rather, for their misbehavior etc. offences under Sections 189 and 216 IPC have been added.

On the other hand, learned counsel for the petitioners argued that the Investigating Officer is prejudiced against the accused-petitioners. Even applications were given to the SHO that the Investigation Officer is not getting them joined in the investigation.

A perusal of the record shows that the petitioners were already on regular bail in this case, now offence under Section 307 IPC has been added, therefore, the custodial interrogation is not required. No injury is attributed to Munshi Ram and Sonu-petitioners as they were empty handed.

Simple injury is attributed to Sunil.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 6.11.2015 passed by this Court granting interim bail to the petitioners is made absolute subject to the condition that they will join investigation at 10.00 a.m. tomorrow i.e. 10.12.2015 and will also abide by the conditions of Section 438(2)Cr.P.C. The Investigating Officer will formally join them in the investigation. It is made clear that if the Investigating Officer does not join them in the investigation or they have any grievance against the Investigating Officer regarding their non-joining the investigation, they can file an application to the trial Court to the same effect.

With these observations, this petition is allowed.

December 9, 2015.

(Inderjit Singh)
Judge

hsp