

**Sr. No. 205
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-1151 of 2016 (O&M)

Date of Decision: 11.04.2016

Rohit Sangwan @ Rocky and another

...Petitioners

Versus

State of Haryana

... Respondent

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

Present:- Mr. Abhishek Sethi, Advocate,
for the petitioners.

Mr. Vivek Saini, DAG, Haryana.

Mr. Munish Mittal, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.787 dated 21.11.2015, under Sections 323, 341, 506 of Indian Penal Code and Sections 308 & 34 of IPC (added later on), registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

On 22.01.2016, the following order was passed by this Court:-

“During the course of hearing, it has gone uncontroverted that initially FIR was registered under Sections 323, 341 and 506 IPC in relation to an occurrence that allegedly took place on 20.11.2015 and it is only on 22.12.2015 that the offence under Section 308 and 34 IPC have been added.

List on 11.04.2016.

In the meanwhile, petitioners are directed to appear before the Investigating Officer and to join investigation on 05.02.2016 at 11.00 a.m.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners 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 Rampal would apprise the Court that the petitioners have since joined investigation.

It has also gone uncontroverted that the petitioners had earlier been admitted to bail but offence under Section 308 IPC having been added subsequently, the petition under Section 438 Cr.P.C. seeking concession of anticipatory bail had been filed.

The issue as to whether offence under Section 308 IPC is made out against the present petitioners would be a matter of investigation and trial subsequently.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

Petition is allowed. Order dated 22.01.2016, passed by this Court, is made absolute.

11.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**