

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M -13680 of 2016 (O&M)
Date of decision: 10.08.2016

Sahid and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rohit Rana, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by HC Narender Singh.

Mr. Sarfraz Hussain, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in case FIR No.48, dated 27.01.2016, registered under Sections 323, 325, 307, 506, 148 read with Section 149 IPC, at Police Station Sadar, Palwal.

On 25.04.2016, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail on behalf of 5 accused petitioners namely Sahib, Tahir, Tofiq, Sahuan and Shokken in FIR No.48 dated 27.1.2016 under Sections 148,149,323,325,506 IPC (Section 307 IPC added later on) PS

Sadar,Palwal.

It is averred that for the occurrence on 26.1.2016 at 8 am, there is a version recorded vide aforesaid FIR and cross version recorded as FIR No.50 dated 28.1.2016.

As per allegations in the version case the accused party comprising 9 accused including present five petitioners namely Sahib, Tahir, Tofiq, Sahuan and Shokken had come to the shop of Mahmood and upon intervention by one Isha, the accused party is alleged to have inflicted injuries to Isha.

It is contended that as per version case 9 accused have been nominated and as per MLR of Isha he has received two injuries. Main injury on the head of Isha, later opined to be dangerous to life, has been attributed to co-accused Rashid @ Bhura with iron rod on the head of Isha. Petitioners and other accused are alleged to be armed with sticks and stones,however, no specific role has been attributed. On the contrary five persons, out of which four are women, from the accused party have received injuries. It is further stated that in the anticipatory bail application filed by three similarly situated three co-accused namely Kayyum, Hassan and Iqbal @ Babllu,bearing CRM-M 10948/2016 notice of motion has already been issued by this Court for 2.6.2016 and interim protection granted.

Notice of motion for 2.6.2016.

In the event of arrest, the petitioners shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/Trial Court. Petitioners shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

It is contended that in pursuance of the order dated 25.04.2016, the petitioners have joined the investigation.

The learned State counsel, on instructions, submits that

the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 25.04.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

10.08.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No