

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM No. M-1473 of 2016 (O&M) Date of Decision: 04.04.2016
Sunil Kumar & others --Petitioners

Versus

State of Haryana --Respondent

2. CRM No. M-3765 of 2016 (O&M)

Raj Kumar & another --Petitioners

Versus

State of Haryana --Respondent

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

Present:- Mr. R.N. Lohan, Advocate for the petitioners.

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

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-1473 of 2016 (Sunil Kumar & others Vs. State of Haryana) and CRM No. M-3765 of 2016 (Raj Kumar & another Vs. State of Haryana) as both these connected petitions have been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners therein in case F.I.R. No.280 dated 28.11.2015 under sections 323, 427, 452, 506, 34 I.P.C, registered at Police Station, City Narwana, District Jind.

On 15.1.2016, while issuing notice of motion in CRM No. M-1473 of 2016, the following order was passed by this Court:-

“Counsel would inter alia contend that it is a case of version and cross version and in any case the present FIR is a counter blast to FIR No.279 dated 28.11.2015 registered prior in point of time and at the instance of the father of the present petitioners.

Notice of motion, returnable on 04.04.2016.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the

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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.”

Likewise, notice of motion order dated 3.2.2016 passed in CRM No. M-3765 of 2016 reads in the following terms:-

“Counsel would submit that co-accused Sunil Kumar, Sunita and Ankush and against whom there were identical allegations have been granted ad interim protection as regards arrest by this Court vide order dated 15.01.2016 in CRM No. M-1473 of 2016.

Notice of motion, returnable for 04.04.2016.

To be listed along with CRM No. M-1473 of 2016.

In the meanwhile, petitioners are directed to appear before the Investigating Officer and to join investigation. 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 would apprise the Court that the petitioners in both these connected petitions have since joined investigation. It has also gone uncontroverted that it is a case of version and cross-version and the injuries in question have been opined to be simple in nature.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, both these connected petitions are allowed. The order dated 15.1.2016 passed in CRM No. M-1473 of 2016 and order dated 3.2.2016 passed in CRM No. M-3765 of 2016, are made absolute.

Petitions are disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

04.04.2016
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