

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

CRM-M -21282 of 2016 (O&M)

Date of decision: 30.08.2016

Rajender @ Gajender and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Arun Yadav, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Pawan Kumar.

Mr. APS Deol, Sr. Advocate with
Mr. Abhimanyu Singh, 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 FIR No.49, dated 23.03.2016, registered under Sections 148, 307, 323, 324, 325 r/w Section 149 IPC and Section 25 of Arms Act, at Police Station Rozka Meo, District Mewat.

On 16.06.2016, this Court had passed the following order:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners herein in case FIR No.49 dated 23.03.2016, under Sections 148, 149, 307, 323, 324 of Indian Penal Code

and Section 25/54/59 of Arms Act (later on added Section 325 of IPC), registered at Police Station Rozka Meo, District Mewat.

Counsel would inter alia contend that the offence under Section 307 IPC has been cited on account of injury suffered by Dharampal and which has been specifically attributed to Prembir and Amar Singh (non-applicants).

It has further been contended that even as per complainant's version, no injury on the person of Dharampal is attributed to the present petitioners. Co-accused Hari Singh and Ravinder @ Arun Kumar have been granted ad interim protection as regards arrest by this Court in the light of order dated 18.05.2016 in CRM No.M-15086 of 2016.

Notice of motion, returnable for 30.08.2016.

To be listed along with CRM No.M-15086 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.”

It is contended that in pursuance of the order dated 16.06.2016, 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 16.06.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

30.08.2016

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(JITENDRA CHAUHAN)
JUDGE

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