

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-34289 of 2015 (O&M)

Date of Decision: 25.05.2016

Rajiv and another

... Petitioners

Versus

State of Haryana

... Respondent

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

Present:- Mr. Jai Vir Yadav, Advocate,
for the petitioners.

Mr. Vivek Saini, DAG, Haryana.

Mr. Aditya Sanghi and Sandeep Yadav, Advocates,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioners seek concession of anticipatory bail in case FIR No.244 dated 30.08.2015, under Sections 341/506/34 of Indian Penal Code, registered at Police Station, Sadar Narnaul, District Mahendergarh.

FIR came to be registered on the statement of Dharmender Singh. Allegations are that Rajiv and Sandeep (petitioners herein) and who are accused in FIR No.186 dated 05.07.2015, under Sections 323, 341, 506, 34 of Indian Penal Code and Sections 307, 323, 148, 149 of IPC (added later on) have given a threat to son of the complainant, namely, Krishan. Allegations are that at about 7:00 p.m. while Krishan was proceeding on a motorcycle, he was stopped by a white colour swift car which was being driven by Rajiv and Sandeep was sitting beside him. A threat was issued to Krishan to enter into a compromise pertaining to FIR No.186 dated 05.07.2015 or else his brother Rajender would be finished. Complainant further asserted that while leaving the accused had also said that they have

a revolver and one of them is employed in the Police Department and as such till date they have not been arrested in FIR No.186 dated 05.07.2015.

While issuing notice of motion, the following order was passed by this Court on 07.10.2015:-

“Learned counsel for the petitioners contends that in the FIR No.186 dated 5.7.2015, under Sections 323, 341, 506, 34 IPC and Sections 307, 323, 148 and 149 IPC added later on on 21.8.2015, registered at Police Station Sadar, Narnaul, Mahendergarh, the petitioners have already been granted interim bail. The present FIR is again an attempt to involve the petitioners in one way or the other.

Notice of motion.

At this stage, Mr. Sandeep Kumar Yadav, Advocate puts in appearance and accepts notice on behalf of complainant.

Let this petition be taken up for hearing with CRM-M-31144 of 2015, which is fixed for 16.10.2015.

Meanwhile, arrest of the petitioner shall remain stayed in the present FIR.”

Thereafter on 16.10.2015, the following order was passed by this Court:-

“Learned counsel for the petitioners submits that the petitioners went to join investigation but they were not allowed to join the investigation whereas learned State counsel submits that there was no direction by this Court to join investigation and the petitioners never came to join the investigation.

One more opportunity is granted to the petitioners to join investigation on 29.10.2015 and in case, they join investigation, they shall be released on interim bail to the satisfaction of the Investigating Officer. They shall join the investigation as and when required by the Investigating

Officer. They shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioners shall make themselves available for interrogation before investigating officer as and when required;

(ii)that the petitioners shall not, directly or indirectly,make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii)that the petitioners shall not leave India without the prior permission of the Court.

Adjourned to 07.12.2015.”

It is the contention raised on behalf of the petitioners that the present FIR is nothing but an attempt on the part of complainant party who had already implicated the petitioners falsely in FIR No.186 to ensure that they do not get any relief and to enhance the gravity of offence.

It has also been argued that the offences mentioned in the FIR are bailable except under Section 506 IPC and which in any case is not made out as even as per version of the complainant only empty threats had been issued to Krishan i.e. son of the complainant.

State counsel has informed the Court that the petitioners have since joined investigation.

Without making any observations on merits, present petition is allowed. Order dated 16.10.2015, passed by this Court, is made absolute.

Disposed of.

25.05.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**