

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-39299 of 2015 (O&M)
Date of Decision: 12.01.2016

Majlash @ Majlish & others

--Petitioners

Versus

State of Haryana

--Respondent

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

Present:- Mr. Jamshed Ahmed, Advocate for the petitioners.

Mr. Rajiv Doon, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners in case F.I.R. No.328 dated 4.7.2015 under sections 148, 149, 323, 506 I.P.C (section 307 I.P.C was added later on), registered at Police Station, Punhana, District Mewat.

On 20.11.2015, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioners submits that the present petition has become infructuous qua to petitioner No.1 as he has been arrested.

Dismissed as withdrawn qua to petitioner No.1.

Learned counsel for petitioners No.2 to 4 submits that FIR was registered after a delay of more than 2½ months as the occurrence took place on 14.04.2015 and the present FIR was registered on 04.07.2015. As per allegations levelled in the FIR, petitioners No.2 and 3 caught hold of the father of the complainant whereas petitioners No.1 and 4 gave kick and fist blows. The allegations which attract Section 307 IPC are against co-accused, namely, Kasam and Farrukh. Learned counsel also submits that the present FIR is counter blast of earlier FIR lodged at the instance of co-accused-Majlash.

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Petitioners No.2 to 4 are ready to join investigation.

Notice of motion for 12.01.2016.

Meanwhile, petitioners No.2 to 4 are directed to join investigation and in the event of arrest, 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.”

Learned State counsel would apprise the Court that the petitioners have since joined investigation.

That apart, it has gone uncontroverted that the injury attracting the offence under section 307 I.P.C has been attributed not to the present petitioners but to the co-accused Kasam and Farrukh.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 20.11.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

12.01.2016