

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

**CRM No.M-10285 of 2017 (O&M)
Date of Decision: April 21, 2017**

Mosim and others

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gautam Dutt, Advocate
for the petitioners.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Mohd. Arshad, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.258 dated 18.07.2015 under
Sections 148, 149, 323, 452, 307, 506, 395, 397, 440 IPC and Section 25 of
the Arms Act, registered at Police Station Tauru, District Nuh.

Notice of motion was issued. Learned State counsel as well as
learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned
State counsel and have gone through the record

From the record, I find that there are total 75 accused in this
case. It is stated that earlier about 43 accused including present petitioner

were found innocent during the first enquiry held in December 2016 but later on, second enquiry was conducted and they were found involved. Total 75 accused are stated to be involved and there are 21 injured in this case. The petitioners have been declared Proclaimed Offender. It is argued by learned counsel for the petitioners that so many accused have been granted anticipatory bail by the trial Court.

The perusal of the FIR shows that neither present petitioners are stated to be armed with any specific weapon nor any specific injuries have been attributed to them in the FIR. As argued, earlier these petitioners were found innocent but later on, on second enquiry, they were found to be involved. The trial Court has already released so many accused on anticipatory bail as argued.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioners are entitled to benefit of grant of anticipatory bail. Therefore, the present petition is accepted. It is ordered that in the event of arrest, the petitioners be released on anticipatory bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

April 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No