

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

**CRM-M-36037 of 2017**

**Date of Decision: 14 November, 2017**

Azad and others

..Petitioners

Versus

State of Haryana

...Respondents

**CRM-M-39086 of 2017**

Santra Devi and another

...Petitioners

Versus

State of Haryana

...Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Manoj Kaushik, Advocate  
for the petitioners (In CRM-M-36037 of 2017)

Mr. Gautam Dutt, Advocate  
for the petitioners (In CRM-M-39086 of 2017).

Mr. Munish Sharma, AAG, Haryana.

**FATEH DEEP SINGH, J.**

Since both these anticipatory bail applications under Section 438 Cr.P.C by the petitioners have arisen out of the same very FIR are being taken up and disposed off together for the sake of brevity.

The brief allegations that emancipate and remain undisputed are that earlier an FIR against the present petitioners bearing No.104 dated 11.7.2017 under Sections 325,452,323,506,34 IPC and FIR

No.111 dated 16.7.2017 under Sections 148,149,323 and 452 IPC were registered by way of cross-version between the two sides including the petitioners with Police Station, Tigaon, District Faridabad. It was consequent of this, the parties have entered into a compromise and have filed petition on 09.08.2017 for quashment on the basis of compromise in which notice was issued and it is thereafter on the date of occurrence i.e. 7.9.2017 the Police had gone to arrest the petitioners, when a fight ensued between the Police and petitioners side leading to registration of the present case.

The contentions of the learned counsel for the petitioners that only simple injuries are attributed and that the allegations against the petitioners have been trumped up by the Police on false pretext and has played CD to support their stand that no uniform of any official was ever torn off and that nothing is to be recovered from the petitioners out of whom two are ladies.

Learned State counsel with all fairness has conceded at the bar that there is no injury which could be covered under the provisions of Section 307 IPC attributed to the petitioners, though, the fact that they have grappled with the Police disentitles them to this relief.

Appreciating the submissions, being a non-injury case and as per the stand of the State nothing is to be recovered from the petitioners and keeping in view that joining investigations by them would suffice the purpose and that culpability, if any, shall be determined at the time of trial and in view of the contentions that it is consequent upon compromise, the Police has swung into action raises many eyebrows over

the very motive attributed to the Police by the petitioners and since the custodial interrogation of the petitioners are not required, the present petition stands allowed. In the event of petitioners joining investigations within fifteen days from this order, they be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

**(FATEH DEEP SINGH)**  
**JUDGE**

**November 14, 2017**

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Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No