

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

202

CRM-M-44529 of 2016

Date of Decision: May 19, 2017

Devinder and others

....Petitioners

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Shiva Khurmi, Advocate for the petitioners.

Mr. C.S. Bakshi, Addl. A.G. Haryana.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the present petition filed under Section 438 read with Section 482 Cr.P.C. seeking concession of anticipatory bail to the petitioners in F.I.R. No.637 dated 26.10.2016, under Sections 323, 342, 365, 506, 34 of Indian Penal Code and Section 3 of SC and ST Act, registered at Police Station Palam Vihar, Gurgaon, District Gurgaon.

It may be noticed that petitioners No.1 and 3 had already been arrested and as such the instant petition qua them already stood dismissed.

On 14.12.2016, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioners in the very beginning contends that petitioner Nos.1 and 3 have been arrested and as such he withdraws the petition qua them since having been rendered infructuous.

So this petition qua petitioners No.1 and 3 stands dismissed being withdrawn.

Notice of motion.

At the asking of the Court, Mr. Karan Sharma, Asstt. A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondent-State. Mr.

Rajesh Bhateja, Advocate, accepts notice on behalf of the complainant and filed memorandum of appearance on his behalf, which is taken on record.

Learned counsel for the petitioner is directed to supply copy of the petition to the learned State counsel and learned counsel for the complainant during the course of the day.

It is submitted by the learned counsel for the petitioner and complainant that matter has been compromised between the parties vide compromise Annexure P-1 dated 10.11.2016.

List on 09.02.2017.

In the meanwhile, petitioner No.2-Rajesh alias Bintu is directed to join investigation in the instant case within seven days from today and in that eventuality, the petitioner be admitted to bail on furnishing requisite bail bonds and surety bonds to the satisfaction of Investigating Officer / Station House Officer concerned. The petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. It is however, made clear that the petitioner shall co-operate with the investigating agency during the investigation of the case."

Learned State counsel upon instructions from SI Ved Pal, apprises the Court that petitioner No.2 herein has since joined investigation.

In the considered view of this Court, custodial interrogation of petitioner No.2, as such, would not be warranted.

The prayer made in the present petition qua petitioner No.2 as such, is accepted.

The order dated 14.12.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

19.05.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No