

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

**CRM No.M-44935 of 2016 (O&M)
Date of Decision: 06.04.2017**

Smt. Bharpai & another

... Petitioners

Versus

State of Haryana & another

... Respondents

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

Present:- Mr. Rajeev Sharma, Advocate for the petitioners.

Mr. Deepak K. Grewal, DAG, Haryana.

Mr. Sachin Mittal, Advocate for the complainant.

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.287, dated 13.11.2015, under Sections 148/149/302/323/506 IPC, registered at Police Station Farrukh Nagar, District Gurgaon.

While issuing notice of motion, the following order was passed by this Court on 16.12.2016:

“Learned counsel has argued that even in the order whereby the petitioners had been summoned the Court had recorded that they gave injuries to the 'complainant party' but there was no injury record of anybody else.

In my opinion, it would be appropriate to implead the complainant – Azad Singh son of Uday Ram, resident of Siwari, Furrukh Nagar, Gurgaon, Haryana as respondent No.2. Ordered accordingly. Registry is directed to make necessary corrections in the memo of parties.

Notice of motion.

On the asking of the Court, Mr. Amrik Narwal, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent No.1.

Learned counsel for the petitioners undertakes to supply a copy

of the paper book to the learned D.A.G. during the course of the day.

Adjourned to 27.01.2017.

In the meantime, let the petitioners appear before the trial Court on 03.01.2017 which is stated to be the date fixed and the Court shall release them on interim bail to its satisfaction.”

During the course of arguments today, it has gone uncontroverted that the FIR came to be registered at the instance of Azad Singh in relation to an occurrence that took place on 13.11.2015 and in which father of the complainant, namely, Uday Ram lost his life.

During the course of investigation, the petitioners herein were found innocent. However, on an application moved by the prosecution under Section 193 Cr.P.C., the petitioners herein were summoned to face trial.

Even as per version of the complainant, the present petitioners were part of the unlawful assembly at the time of occurrence when Uday Ram (since deceased) was assaulted with *lathis* and *dandas*. However, there is no specific attribution of injury on the person of the deceased.

It has gone uncontroverted that in pursuance to the order dated 16.12.2016, the petitioners have appeared before the trial Court on 03.01.2017 and were admitted to interim bail upon furnishing requisite bail bonds/surety bonds and thereafter are regularly associating with the trial proceedings.

In view of the facts and circumstances noticed hereinabove and without making any observations on merits, prayer made in the instant petition is allowed. Order dated 16.12.2016 passed by this Court is made absolute

Disposed of.

06.04.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |