

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

CRM No.M-46 of 2017 (O&M)

Date of Decision: 13.02.2017

Amit Kumar & another

... Petitioners

Versus

State of Haryana & another

... Respondents

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

Present:- Mr. A.S. Sullar, Advocate for the petitioners.

Mr. C.S. Bakhshi, Additional Advocate General, Haryana.

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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.339, dated 20.11.2016, under Sections 148/149/285/342/384/506 IPC and Section 25 of the Arms Act, registered at Police Station City Mandi Dabwali, District Sirsa.

While issuing notice of motion on 04.01.2017, the following order was passed by this Court.

“Prayer is for grant of anticipatory bail in case FIR No.339 dated 20.11.2016 under Sections 148, 149, 285, 342, 384, 506 IPC and Section 25 of Arms Act, registered at Police Station City Mandi Dabwali, District Sirsa, Haryana.

As per allegations in the FIR, complainant Dushyant alias Happy was asked by Surender Kumar @ Chhinda to come to his house for some work where the petitioners were already present. When he reached inside the house, they took out their revolver and demanded Rs.1,00,000/- and threatened to kill him, in case, the demanded money was not arranged by him. Even, a shot was fired through the revolver. They kept threatening him till 6.00 pm and released him with a threat to arrange the said money within two days, failing which he would be killed.

Learned counsel for the petitioners states that during investigation Vikrant was found innocent and one Navkaran @ Navi was added by the police.

He further states that the matter has since been compromised between the parties and in proof thereof the petitioner has annexed the compromise deed (Annexure P-2). An affidavit of the complainant has also been annexed Annexure P-3) wherein he has stated that he has no objection if the FIR in question is quashed. It has also mentioned therein that no injury has been caused on the person of complainant or any other person.

Notice of motion for 13.02.2017.

In the event of arrest, the petitioners shall be released on anticipatory bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/Trial Court. Petitioner shall appear before the Investigating Officer, as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Surjeet Singh would submit that even though the Investigating Agency is not aware of any compromise that may have been arrived at between the parties, yet the allegations pertaining to having fired with a revolver is against co-accused, Navkaran @ Navi and not to the present petitioners. State counsel has taken a fair stand that petitioners have since joined investigation and they are not required for any custodial interrogation.

Accordingly, the prayer is allowed. Order dated 04.01.2017 passed by this Court is made absolute.

Disposed of.

13.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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