

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

**CRM-M No.19251 of 2018
Decided on: 18.08.2018**

Vishnu and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vimal Kumar Gupta, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.162 dated 04.03.2018, registered under Sections 148, 149, 323, 427, 452 and 506 IPC at Police Station City Jagadhri, District Yamuna Nagar.

The operative part of the order dated 07.05.2018, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“...Counsel for the petitioners has submitted that the co-accused of the petitioners has already been granted the concession of pre-arrest bail by this Court vide order dated 27.04.2018 passed in CRM-M No.16933 of 2018 by passing the following order:-

“Learned counsel for the petitioner submits that as per allegation in the FIR, the brother of the petitioner, namely, Vishal, who is husband of the daughter of the complainant, namely, Aparna, is serving in Army. When Aparna come back in the month of March, for the purpose of her delivery, the mother of the petitioner-Krishna Devi, being a

chronic patient, suggested that delivery of child be conducted at her parental home. On 02.03.2018, the petitioner and his mother were standing in front of their house. At that time, son of the complainant came in a drunken state and started abusing the applicant and his mother and thereafter, when other family members came at the spot and every one started beating each other and caused injuries.

Counsel for the petitioner further submits that the petitioner was medico legally examined on the same day at 6.00 p.m. and 3 injuries were found on his body and at the same time, mother of the complainant was also examined in Civil Hospital, Jagadhari.

Learned counsel for the petitioner submits that though a complaint has been given by the mother of the petitioner for registering a cross-case, only DDR has been registered and no further action has been taken by the police. It was a case of sudden fight and the parties have suffered and during the course of trial, it will be decided which party was an aggressor party.

The petitioner is directed to appear before the Investigating Officer to join the investigation or any other date as given by the investigating officer and he shall be released on interim bail subject to the following conditions:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.*

List again on 18.08.2018.”

Notice of motion for 18.08.2018.

In the meantime, the petitioners are directed to appear before the Investigating Officer within a period of 10 days to join investigation and they shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. They shall make themselves available for interrogation by a police officer as and when required;*
- 2. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. They shall not leave India without previous permission of the Court.”*

Counsel for the petitioners submits that the petitioners, in pursuance to the order dated 07.05.2018, have already appeared before the Investigating Officer and have joined the investigation.

Counsel for the State, on instructions from HC Arun Kumar, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners vide order dated 07.05.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

18.08.2018

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No