

CRM-M-25465-2018

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

CRM-M-25465-2018

Date of Decision: 27.08.2018

Akshay and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. R.S.Budhwar, Advocate,
for the petitioners.

Mr. B.S.Virk, DAG, Haryana.

Mr. U.K.Agnihotri, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

Petitioners-Akshay and Sandeep have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.136 dated 22.04.2018, registered at Police Station Naraingarh, District Ambala, under Sections 307 and 34 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and complainant also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

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Learned counsel for the petitioners submits that no FIR or complaint was ever submitted by the complainant against the present petitioners. As per the allegation, motor-cycle of the complainant was hit from the backside. Admittedly, the present petitioners were not driving the vehicle, rather Anshul was driving it. Learned counsel for the petitioners submits that it was a mere accident.

Learned State counsel admits that no injury has been declared dangerous to life. There are three fractures of ribs and offence under Section 325 IPC has been added by the prosecution.

In pursuance of the interim order dated 11.06.2018 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Nothing is to be recovered from them. Therefore, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 11.06.2018, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

27.08.2018

parveen kumar

Note: Whether speaking/reasoned
Whether reportable

(INDERJIT SINGH)
JUDGE

: Yes
: No