

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39692 of 2018

.....

Date of decision:13.11.2018

Jitender Singh and others

.....Petitioners

v.

State of Haryana

.....Respondent

....

Present: Mr. Tejinderbir Singh, Advocate for the petitioners.

Mr. Sukhdeep Parmar, Deputy Advocate General, Haryana for
the respondent-State.

Mr. G.S. Sandhu, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.317 dated 6.6.2018 registered for the offences under Sections 307, 323, 148, 149 and 506 IPC; Sections 25 and 27 of the Arms Act, 1959 and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC and ST Act') at Police Station Safidon, District Jind.

Notice of motion has been issued in this case.

Mr. Sukhdeep Parmar, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. G.S. Sandhu, learned Advocate has appeared for the complainant and contested this petition.

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

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From the record, I find that no injury has been declared dangerous to life and Section 307 IPC has been deleted in this case.

As per the learned State counsel, the Board of Doctors has given the opinion that possibility of inserting pellet on the thigh cannot be ruled out.

Learned counsel for the petitioners argued that it is a false case planted upon the petitioners by the complainant side by fabricating injuries etc. He also contended that the allegation under Section 3(2)(v) of the SC and ST Act is also false one.

The present petitioners have already joined the investigation. They are not required for any custodial interrogation. The recovery has already been effected in this case. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case and further in view of fabrication of injuries etc., I find merit in this petition and the same is allowed. The interim order dated 18.9.2018 passed by this Court 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.PC.

November 13, 2018.

(Inderjit Singh)
Judge

hsp

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