

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

**CRM-M No.5525 of 2019 (O&M)
Date of decision : 13.02.2019**

Samta and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Arun Gupta, Advocate with
Mr. Sachin Jain, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Ivneet Pabla, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to petitioners under Section 438 Cr.P.C. in case FIR No.5 dated 05.01.2019 registered under Sections 323/452/34 IPC at Police Station Pehowa, District Kurukshetra.

The allegations against the petitioners were that they entered the shop of the complainant and gave injuries to him and his wife and his grand son.

Counsel for the petitioners has argued that the petitioners run a *rehri* outside the shop of the complainant and he had duped them of lakhs of rupees on the pretext of sending petitioner No.2 abroad and on the fateful

day he had been invited by the complainant to settle the dispute and some hot words had ensued between the parties and in these circumstances, Section 452 IPC is not made out and the other Sections are bailable.

Counsel for the complainant and Deputy Advocate General on instructions from HC Surender Singh opposed the bail.

In my considered opinion, there would be no requirement for custodial interrogation of petitioners No.1 & 4. Resultantly, the petition is allowed qua petitioners No.1 & 4. In the event of arrest of petitioners No.1 & 4, they shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioners No.1 & 4 are directed to appear before the investigating officer on 20.02.2019 and on any other date as and when their presence is required.

As regards petitioners No.2 & 3 counsel for the petitioners states that he would not press this petition on merits and the petitioners No.2 & 3 would surrender and move an application for regular bail and a direction be issued to the court to decide their bail application expeditiously. I find this to be a fair request.

In the circumstances, this petition is dismissed as withdrawn qua petitioners No.2 & 3. It is directed that in case petitioners No.2 & 3 surrender before the court on or before 16.02.2019 and move an application for regular bail, it shall be decided expeditiously but in any case by 18.02.2019.

Petition stands disposed of with the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

13.02.2019
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No