

CRM-M No.48877 of 2018

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**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

**CRM-M No.48877 of 2018
Date of Decision: 16.01.2019**

Mohit and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr.Nishant Raj Ghangas, Advocate for the petitioners.
Mr. Yashwinder Singh, DAG, Haryana.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.1019 dated 28.09.2018, under Sections 148,149,323,452 and 506 of the Indian Penal Code, 1860 registered at Police Station Chandni Bagh Panipat, District Panipat.

While issuing notice of motion, this court passed the following order on 02.11.2018 :-

“It is contended by learned Counsel for the petitioners that only alleged offence, which is non-bailable against the petitioners, is under Section 452 IPC and both petitioners have also suffered injuries in the same occurrence and their respective MLRs are on record as Annexure P-1 (colly.). Further contends that all other six co-accused of the petitioners have already been granted the concession of regular/anticipatory bail by learned trial Court.

Learned State Counsel, after getting instructions from HC Shamsher Singh, has accepted the above factual position, but opposed the present petition on the ground that investigation is still pending.

Heard both sides and perused the paper-book.

Prima facie, it seems that both sides have suffered simple injuries and who is the aggressor party is to be decided by learned trial Court after leading evidence. Therefore, this Court deems it appropriate to grant the concession of interim bail to the petitioners.

Adjourned to 16.01.2019 for further consideration.

In the meanwhile, the petitioners are directed to join the investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail till the next date of hearing on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C. “

Learned State Counsel, on instructions from ASI Rajinder Singh has acknowledged that in terms of the previous order the petitioners have joined the investigation and their custodial interrogation is no longer required in this case.

In view of above, the interim order dated 02.11.2018 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

16.01.2019

mamta

**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>