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

CRM-M-22886 of 2019

Date of decision: July 19, 2019

Sushil and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Keshav Pratap Singh, Advocate for the petitioners.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioners, in FIR No.3 dated 03.01.2019, under Sections 323, 325, 307, 216, 34 of Indian Penal Code, 1860, registered at Police Station Sector 65, Gurugram, District Gurugram.

As per prosecution case, petitioners along with co-accused armed with *lathis* attacked the complainant.

On 20.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that petitioners have not been attributed the injury for Section 307, IPC.

Notice of motion for 19.07.2019.

On the asking of the Court, Mr. Yashwinder Singh, DAG, Haryana accepts notice on behalf of the respondent. He seeks time to verify the above assertions.

Mr. Abhimanyu Singh, Advocate, who is present in the Court, has filed power of attorney on behalf of the complainant. The same is taken on record.

Requisite copies of the petition be supplied to learned

State Counsel as well as learned Counsel for the complainant during the course of the day.

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 in the present case 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 Assistant Sub Inspector Harikesh, has submitted that petitioners have joined investigation in terms of order dated 20.05.2019 and their custodial interrogation is not required.

In view of the above, order dated 20.05.2019 granting interim bail to the petitioners, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

July 19, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**