

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

**CRM-M-27530-2019
Date of decision-06.11.2019**

Saurabh and another

...Petitioners

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mahesh Goel, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.133 dated 22.04.2019 under Sections 148, 323, 379-B and 506 read with Section 149 of Indian Penal Code, 1860 (Section 379-B IPC deleted later on) registered at Police Station Sector-5, Panchkula, District Panchkula. The petitioners apprehended their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 03.07.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“A perusal of the FIR reveals that as per the allegations, an altercation took place between the complainant, his friends and some other boys when they were having late night meals at an eating joint. In the occurrence injuries were suffered by complainant and his friends, which are punishable under Section 323 IPC. Though originally Section 379-B IPC was incorporated in the FIR but subsequently the same was deleted and the only offence

which is non-bailable in nature is punishable under Section 506 IPC. In respect of the said offence, the custodial interrogation of the petitioners may not be required, who were not even named in the FIR.

Notice of motion for 06.11.2019.

In the meanwhile, petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioner submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Vijender does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from ASI Vijender further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.07.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

06.11.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No