

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-31097 of 2019
Date of Decision: 24.10.2019

Sukh DeviPetitioner

VERSUS

State of HaryanaRespondent

2. CRM-M-34978 of 2019

Malkhan Singh and anotherPetitioners

VERSUS

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vijay Kumar Jindal, Sr.Advocate with
Mr. Gopal Soni, Advocate
for the petitioners in both the petitions.

Mr. Munish Sharma, AAG Haryana.

Mr. Manoj Kumar Taya, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.450 dated 23.04.2019 registered for offences punishable under Sections 346 and 306 of Indian Penal Code, at Police Station Sadar Karnal, District Karnal.

Heard.

Learned State counsel on instructions from SI Surseh Kumar submits that petitioners have joined the investigation but the police has to take in possession the mobile phone being used by Usha Devi (petitioner no.

2 in CRM-M-34978-2019) from which she made call to her father before the incident.

On query, learned State counsel submits that the investigating officer is neither aware of mobile number of Usha Devi nor of her father on whose number the call was made and call details have also not been taken so far.

Keeping in view the fact that matter is still under investigation, the investigating officer can trace the mobile number of father of Usha Devi on which the call was allegedly made and only then he can collect call details of mobile number in the name of Usha Devi.

As petitioners have joined the investigation, these petitions are allowed and orders dated 23.07.2019 and 27.08.2019 are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

October 24, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No