

209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13323 of 2020

Date of Decision: 14.07.2020

ISLAMUDDIN AND ORSPetitioners

Vs

STATE OF HARYANA AND ANRRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Tushar Gautam, Advocate
for the petitioners.

Mr. Vishal Malik, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioners seek grant of anticipatory bail in case bearing FIR No.287 dated 14.11.2019 registered under Sections 148, 149, 323 and 379-A IPC, registered at Police Station Pinangwa, District Nuh (Mewat) Haryana.

On 01.06.2020, following order was passed by this Court:-

"The matter has been taken up by way of Video Conferencing through Webex application in view of Covid-19 situation as per instructions issued.

Counsel for the petitioners orally submits that Sections 307 and 506 IPC be also added in the heading and the prayer clause of the petition as it has been

inadvertently left out though it finds mention in the order of the Additional Sessions Judge, Nuh (Annexure P-5).

Prayer is accepted. Office shall accordingly make the necessary corrections in the heading and the prayer clause.

Counsel for the petitioners submits that it is a case of cross version and FIRs have also been lodged against the complainant side for the same incident of 12.11.2019 and refers to Annexures P-2 and P-3. It is pointed out that the petitioners are all sons of Maksood, who was arrested and his regular bail bearing Crl. Misc. No. M-10893 of 2020 is pending for 14.07.2020, however, he has been released on interim bail on account of the instructions of the Government due to the Covid-19 pandemic.

Notice of motion.

Mr. Chetan Sharma, AAG, Haryana accepts notice and he assisted by Mr. Saleen Ahmed, counsel for the complainant have opposed the interim relief on the ground that another FIR bearing No. 288 of 2019 has also been lodged against the petitioners, as noticed by the Additional Sessions Judge, Nuh.

Keeping in view the fact that there are various cross FIRs and the petitioners belong to one family and FIR No. 290 of 2019 has also been lodged by Aman, son of Maksood, this Court is of the opinion that the main role is attributed to Azad, who hit the iron pipe on head of Imran. Resultantly, the petitioners are entitled for the concession of the interim bail.

Adjourned to 14.07.2020.

To be heard alongwith Crl. Misc. No. M-10893 of 2020.

In the meantime, it is directed that the petitioners shall join investigation and in the event of arrest of the petitioners, they shall be released on ad-interim bail subject to the satisfaction of the investigation officer. The petitioners shall join investigation as and when required and shall comply with the conditions laid down in Section 438(2) Cr.P.C.”

Learned counsel for the petitioners submitted that in compliance of the aforesaid order, the petitioners have joined the investigation.

Learned State counsel on instructions from ASI Tek Chand admitted the aforesaid fact and submitted that the petitioners are no more required for further investigation of the case.

Learned State counsel further submitted that the injury falling under Section 307 IPC is attributed to Azad, who has already been granted regular bail by the trial Court.

In view of above, interim order dated 01.06.2020 is made absolute. Petitioners shall keep on joining the investigation as and when directed to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

July 14, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No