

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

202-A

CRM-M-17308-2020

Date of decision: 06.08.2020

Nanak Nath and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashish Verman, Advocate
for the petitioners.

Mr. Anant Kataria, DAG, Haryana
for the respondent-State.

Ms. Amrita Nagpal, Advocate
for the respondent No.2-complainant.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioners-Nanak Nath, Bina, Maha Singh, Sunil Surender, Joginder, Komal Nath @ Kamal, Sukh Desh, Balbir Nath, Sonu, Tinku, Shiv Kumar and Om Pal Nath have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.92 dated 10.05.2020 registered under Sections 148, 149, 323 and 324 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Sanoli, District Panipat to which Section 326 and 506 of the IPC were added later on.

While issuing notice of motion on 03.07.2020, this Court had granted the interim anticipatory bail to the petitioners with direction to join the investigation.

Reply by way of affidavit of Pardeep Kumar, HPS, Deputy Superintendent of Police, Samalkha, District Panipat has been filed by learned State Counsel through e-mail print out of which is taken on record.

I have heard learned Counsel for the petitioners as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioners has submitted that the petitioners were attacked by the complainant party regarding which separate FIR No.93 dated 10.05.2020 under Sections 148, 149, 323 and 324 of the IPC was lodged against them to which Section 326 of the IPC was subsequently added. Head injuries with sharp edged weapons were caused to co-accused Ritesh Nath and Anil Kumar who were given as much as 24/25 stitches. The petitioners have caused injuries to the complainant party in exercise of their right of private defence. Injuries caused with sharp edged weapon on the person of injured Satish Nath and Sagar Nath which were opined to be grievous are attributed to the co-accused Vikas and Parkash Nath who have been granted regular bail by this Court vide order dated 22.07.2020 passed in CRM-M-17359-2020. The petitioners have joined the investigation. Nothing is to be recovered from them and their custodial interrogation is not required.

Learned State Counsel and learned Counsel for the complainant have submitted that the petitioners along with their co-accused caused grievous injuries with sharp edged weapons and in view of the nature of offences, the petitioners do not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has acknowledged that in compliance with order dated 03.07.2020 passed by this Court, the petitioners have joined the investigation and submitted that their custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioners is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 03.07.2020 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

06.08.2020

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(ARUN KUMAR TYAGI)
JUDGE

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