

207 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-17986-2020

Date of Decision: 18.08.2020

Suresh Kumar and another  
Vs.

.. Petitioners

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shekhar Verma, Advocate for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. N.P.S. Kohli, Advocate  
for the complainant.

...

**Manoj Bajaj, J. (Oral)**

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.0039 dated 12.03.2020 under Sections 323, 324, 325 and 326 (Sections 452 and 506 IPC read with Section 34 IPC added later on), registered at Police Station Nigdhu, District Karnal. They apprehended their arrest at the hands of Police in the above said FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 09.07.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

*“Case taken up through video conferencing.  
Counsel for the petitioners has contended that there is a counter version of the incident recorded vide FIR No. 40 dated 12.3.2020 for offences under Sections 148, 149, 323, 324, 341, 506 IPC, with that very police station, copy of which being Annexure P-2. That FIR was recorded on the basis of statement of complainant Suresh Kumar, who is petitioner No.1 before this Court. As a matter of fact, the complainant side was aggressor and petitioners had acted in self defense only. The petitioners are ready and willing to join the investigation and*

*they be permitted to do so.*

*Notice of motion.*

*At this stage, Mr. Apoorv Garg, DAG, Haryana, has accepted notice on behalf of the State and Mr. N.P.S. Kohli, Advocate has appeared on behalf of the complainant.*

*Learned State counsel assisted by counsel for the complainant have contended that petitioners have committed grave and heinous offences and they do not deserve any leniency.*

*After hearing counsel for both sides, I find it to be a fit case to grant the concession of interim bail to the petitioners with a direction to join the proceedings.*

*Accordingly, the petitioners are directed to join the investigation by contacting the Investigating Officer within 7 days from today and render all sort of cooperation. The petitioners are also directed to surrender their passports, before the Investigating Officer, if they have got one, otherwise to furnish affidavit in that regard. If in the meanwhile, they are arrested, they be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer.*

*To come up on 18.8.2020.”*

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners 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 Surender Kumar does not dispute this fact that the petitioners have joined the investigation and further states that they 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 09.07.2020 is made absolute.

18.08.2020

*Jasmine Kaur*

**(MANOJ BAJAJ)**  
**JUDGE**