

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

CRM-M-21545-2020(O&M)

Date of decision : 05.10.2020

Pankaj and others

..... Petitioners

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Amit Kumar Goyal, Advocate for the petitioners.

Mr.Saurabh Mohunta, DAG, Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in FIR No. 179 dated 13.04.2020, registered under Sections 147, 148, 149, 285, 323, 325, 506 IPC and Section 25 of Arms Act, at Police Station, Kundli, Sonapat.

On 07.08.2020 while issuing notice of motion the following order was passed by this Court:-

“Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioners seek concession of pre-arrest bail in FIR No.179 dated 13.4.2020 registered under Sections 147, 148,

149, 285, 323, 325, 506 I.P.C and Section 25 of Arms Act at Police Station, Kundli, Sonapat.

Counsel submits that FIR came to be registered on the complaint of Manoj Kumar in relation to an alleged occurrence dated 12.4.2020. As per complainant's version, when he was proceeding towards his fields, a number of persons physically assaulted him. In so far as petitioner no.1 herein is concerned, he has been attributed a Lathi blow on the right leg. Petitioner no.2 is stated to have fired in the air with a pistol. Petitioner no.3 has been attributed a Lathi blow on the left hand and petitioner no.8 is stated to have given a blow on the head of the complainant. The other petitioners i.e. petitioners no.4, 5, 6 and 7 have not even been named by the complainant.

Learned State counsel has made available for perusal of this Court the MLR of the complainant, who had been examined on 12.4.2020 itself. The same would clearly show that there is no fire arm injury. The injuries suffered are in the nature of abrasions and swelling etc. and having been inflicted by a blunt weapon.

Prima facie the offence under Section 325 I.P.C as has been cited would be debatable.

Notice of motion, returnable for 5.10.2020.

In the meanwhile, petitioners are directed to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State Counsel, upon instructions from ASI Naresh,

informs the Court that the petitioners have since joined investigation and are not required for custodial interrogation.

In view of the above, petition is allowed. Order dated 07.08.2020 passed by this Court is made absolute.

(TEJINDER SINGH DHINDSA)
JUDGE

05.10.2020
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No