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

CRM-M No. 22734 of 2020
Date of Decision: 28.09.2020

Sajal and another

-Petitioners

Versus

The State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.S. Gill, Advocate,
for the petitioners.

Mr. Rajat Gautam, 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 under Section 438 Cr.P.C. in case bearing FIR No.138 dated 19.05.2020 registered under Sections 147, 149, 188, 307, 323, 324, 326 IPC and under Section 25/54/59 of Arms Act at Police Station Civil Lines Sirsa, District Sirsa.

Learned counsel for the petitioners contends that cross version was reported to the police, but initially that was not translated into FIR. It was only on the basis of inquiry done by Deputy Superintendent of Police, Head Quarter Sirsa,

complainant party was found to be aggressor and on the basis of recommendation made by Deputy Superintendent of Police, a cross case bearing FIR No.217 dated 27.07.2020 under Sections 323, 325, 34 IPC was registered on the basis of statement of Purshotam Kumar. The complainant has concealed origin and genesis of the occurrence in FIR No.138 dated 19.05.2020 under Sections 147, 149, 188, 307, 323, 324, 326 IPC and under Section 25/54/59 of Arms Act registered at Police Station Civil Lines, Sirsa, District Sirsa.

In this FIR, petitioners have been shown to be armed with thick sticks. Husband of the complainant has received one sharp edged weapon injury. Vishu has received five injuries with sharp edged weapon. In a free fight between the parties, it would be debatable as to which party was aggressor.

Since, cross cases are pending before the Court, therefore, injury with danda on the person of injured would also remain debatable in case of version against the petitioners.

Vide order dated 14.08.2020, arrest of the petitioners was stayed at the time of issuance of notice of motion.

Learned State counsel on instructions from ASI Pradeep Kumar states that challan has been presented against the accused except the petitioners.

In view of above, the petition is allowed. Petitioners

are directed to appear before the SHO/Investigating Officer to join investigation on 01.10.2020 and in the event of their arrest, they shall be released on anticipatory bail on their furnishing bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioners shall make themselves available for interrogation before the Investigating Officer 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 case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- ii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passports, if any.

September 28, 2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No