

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201 - CRM-M-23031-2020 (O&M)**Date of Decision: 28.09.2020**

Sanjay @ Vikram

... Petitioner

VS.

State of Haryana

... Respondent

201 – CRM-M-24461-2020**Date of Decision: 28.09.2020**

Ramesh Kumar

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Kanwar Satbir Singh, Advocate
 Mr. Shilak Ram Hooda, Advocate
 for the petitioners

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

This order shall dispose of the above-captioned two petitions filed by the petitioners Sanjay @ Vikram and Ramesh Kumar, *inter alia*, with a prayer for grant of anticipatory bail in case FIR No.61 dated 26.02.2020 under Sections 148/149/323/324/452/506 IPC (Sections 325 and 307 IPC added later on) registered at PS Butana, District Karnal.

Learned counsel based upon the pleadings, at the outset, submits that the co-accused Ramu and Vijay Kumar have been granted regular bail by this Court vide order dated 03.07.2020 (Annexure P2 in CRM-M-24461-2020). Counsel submits that there is delay in registration of

cross-version and as per the petitioners, the complainant side was the aggressive party.

Learned State counsel, on instructions from ASI Anoop submits that in this case, challan was presented on 07.05.2020 against 3 accused persons, namely, Vijay, Ramu and Krishan whereas challan could not be presented against the present petitioners as they were absconding. Learned State counsel opposes the prayer for bail on merits, however, has not been able to dispute the fact that the co-accused, referred to above, have been granted regular bail by this Court, (P2).

Learned counsel for the complainant submits that in fact perusal of the FIR would show that the petitioner Sanjay @ Vikram along with two others gave axe blow on the head of the sister of the complainant. He submits that the petitioner Ramesh Kumar gave blow of spade on hands and head of the father of the complainant. He then submits that the injured remained hospitalized for 11-15 days. He further submits that the present case is different from the case of co-accused Ramu and Vijay Kumar as they had applied for regular bail whereas the present petitioners are absconding till date and as such have not joined the investigation.

Faced with this learned counsel for the petitioners submits that he has instructions from the petitioners and their family members that in order to show their *bona fide*, they are ready to deposit Rs.50,000/- each which can be contributed towards medical expenses of the injured. He submits that this, however, is without prejudice to their defence before the trial Court. Counsel then submits that because of COVID situation also, retention of the petitioners behind the bars would be dangerous to their life.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this anticipatory bail petition is disposed of with a direction to the petitioners to join the investigation and appear before the Investigating Officer on 12.10.2020. The petitioners shall continue to join the investigation as and when required by the Investigating Officer.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) CrPC.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the Arresting/Investigating Officer may further require the petitioner to furnish as deemed appropriate, in pursuance to the offer made by their counsel, the petitioners would deposit Rs.50,000/- each which can be contributed towards medical expenses of the injured, as offered by learned counsel for the petitioners. The same shall be without prejudice to defence of the petitioner before the trial Court.

It is made clear that the prosecution is free to move an application for cancellation of bail to the petitioner(s) in case they do not stand by the compromise or the above facts are found to be untrue.

The petition stands disposed of accordingly.

28.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No