

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

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**CRM-M-23142-2020
Decided on : 26.10.2020**

Kuldeep Singh & another	Versus	... Petitioners
State of Haryana		... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.G.S.Sarwara, Advocate, for the petitioners.

Mr.Anant Kataria, DAG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C., by the petitioners for grant of anticipatory bail in FIR No.128 dated 03.04.2020 lodged under Sections 323, 452, 506 read with Section 34 (Section 307 IPC added later on) at Police Station City Dabwali, District Sirsa.

On 14.09.2020, the following order had been passed:

“Counsel for the petitioners has *inter alia* argued that there is a delay in lodging of the FIR inasmuch as the alleged occurrence took place on 01.04.2020 but the FIR was lodged on 03.04.2020. He further argues that FIR has been registered on the allegation that two 'kappa' blows were inflicted on the injured Gursaheb by the petitioners separately. However, a perusal of the MLR shows that only one injury has been inflicted on him. Still further, his argument is that even that injury was declared to be simple in nature by a private doctor but later on a second opinion was obtained from Medical Officer, Government Hospital, Dabwali whereby the Doctor opined that injury was dangerous to life. He has also pointed out that in the status report, it has been mentioned that the IO intends to take another opinion to determine the nature of injury. It is his contention that injured Gursaheb was under the

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influence of liquor at the time of the alleged occurrence. Further argument has been raised that the complainant and his brother have executed affidavits, Annexures P-2 and P-3 wherein, they have deposed that they had named "Hari Singh, etc." on the basis of the suspicion and on the asking of their neighbours.

State counsel prays for time to file a better affidavit.

List this matter on 26.10.2020.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C. "

Counsel for the petitioners submits that the petitioners have joined investigation. Said fact is vouched by the State Counsel, on instructions from ASI-Ram Niwas. He further submits that petitioners do not have any other case of similar nature pending against him.

It is submitted by counsel for the petitioners that they have been falsely implicated and that father of the petitioner, Hari Singh has already been granted the concession of regular bail in CRM-M-19484-2020 on 06.08.2020.

Accordingly, since the petitioners' antecedents are clean as they are not involved in any other case of similar nature, their interim bail orders are liable to be confirmed, in the facts and circumstances.

Accordingly, in view of the above, the interim bail granted on 14.09.2020 is made absolute.

Petition stands disposed of.

OCTOBER 26, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No