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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 24369 of 2020 (O&M)
Decided on: 26.11.2020

Mahender Singh and others

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vikram Bishnoi, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petition *qua* petitioner No.1 already stands dismissed
as withdrawn vide order dated 26.08.2020.

Petitioners No.2 to 4 pray for grant of anticipatory bail in
FIR No.138 dated 28.06.2020, registered under Sections 148, 149, 323,
506 IPC (Section 325 IPC added later) at Police Station Ateli, District
Mahendergarh.

The operative part of the order dated 26.08.2020, vide
which interim anticipatory bail has been granted to petitioners No.2 to
4, is reproduced as under:-

*“...At the very outset, learned counsel for the
petitioners submits that the petition on behalf of petitioner
No. 1 may be dismissed as withdrawn as he has been
arrested.*

*Thus, it is ordered that petition be dismissed as
withdrawn so far as petitioner No. 1 is concerned.*

CASE HEARD THROUGH VIDEO CONFERENCING

Regarding remaining petitioners, it is argued that no recovery is to be effected as the petitioners have allegedly given fist and kick blows only and, thus, custodial interrogation is not necessary.

Notice of motion for 26.11.2020.

Mr. Munish Sharma, AAG Haryana, accepts notice on behalf of the respondent-State and waives service.

In the meantime, the petitioners are directed to join investigation with the Investigating Officer on 09.09.2020 at 10.00 a.m. and cooperate therewith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to their compliance of the conditions enshrined under Section 438(2) Cr.P.C.....”

Counsel for petitioners No.2 to 4 has submitted that, in pursuance to the order dated 26.08.2020, petitioners No.2 to 4 have appeared before the Investigating Officer and have joined the investigation.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that petitioners No.2 to 4 are no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to petitioners No.2 to 4 vide order dated 26.08.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

26.11.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No