

CRM-M-26142-2020

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

210-2

CRM-M-26142-2020

Date of Decision:-23.11.2020

RAJESH & ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ajaivir Singh, Advocate for the petitioners.

Mr. Sukhdeep Singh Parmar, DAG Haryana.

Mr. Gurdeepinder Singh Dhillon, Advocate for the complainant

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.89 dated 15.06.2020, under Sections 148, 149, 323, 324, 506 & 326 (added later on) IPC, 1860, registered at Police Station Kunjpura, District Karnal. The petitioners apprehended their arrest at the hands of police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 07.09.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Inter alia submits that the petitioners are alleged to have inflicted blows with a stick and injuries caused thereby are simple in nature. Thus, custodial interrogation is not necessary.

Notice of motion.

Mr. Munish Sharma, AAG, Haryana accepts notice and waives service.

Mr. Gurdeepinder Singh Dhillon, Advocate puts in appearance on behalf of the complainant and submits that this is the second FIR registered against the accused

persons. First FIR was registered on 09.05.2020 as earlier also the accused persons had attempted to take forcible possession of land which is in dispute between the parties despite their being an order of status quo passed by this Court in a pending RSA. Thus, the petitioners do not deserve any discretionary relief.

In response, learned counsel for the petitioners submits that the police is hand in glove with the complainant party. On the date in question, the petitioners and others were attacked by the complainant party as is evident from MLRs annexed collectively as Annexure P-2. An order of status quo has in fact been passed by the High Court as is evident from order dated 16.01.2007 annexed as part of Annexure P-3.

From the submissions made by counsel for the parties, it is evident that there is a dispute regarding land between the parties. The present FIR has been registered with the allegation that the petitioners and others attacked the complainant party and caused injuries. On the other hand, the petitioners have annexed MLRs of the accused party as Annexure P-2 in support of their version that in fact they were attacked by the complainant party. Thus, it is a case of version and cross version. The petitioners have admittedly not caused any grievous injury and the interest of justice would require that they be directed to join investigation in the first instance.

Adjourned to 23.11.2020.

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 his compliance of the conditions enshrined under Section 438(2) Cr.P.C.

To be heard along with CRM-M-24818-2020.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the police and joined the investigation. According to him, the petitioners cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioners have joined the investigation. Learned counsel, on instructions

CRM-M-26142-2020

from ASI Bahadur Singh, further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 07.09.2020 is made absolute.

23.11.2020
monika*

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No