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

1. **CRM-M No.35133 of 2020**
Date of Decision: 09.12.2020

MANGAT SINGH @ MANGUPetitioner
Vs
STATE OF HARYANARespondent

2. **CRM-M No.39536 of 2020**

MANGATPetitioner
Vs
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Harnoor Singh Sidhu, Advocate for
Mr. Harvinder Singh Maan, Advocate
for the petitioner in CRM-M No.35133 of 2020.

Mr. R.S. Mamli, Advocate
for the petitioner in CRM-M No.39536 of 2020.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Both the cases have been taken up for hearing through video conferencing.

Vide this common order, CRM-M No.35133 of 2020 and CRM-M No.39536 of 2020 are being decided. Since both the cases have arisen from one FIR, therefore, common facts are being noticed.

In both the cases, petitioners have prayed for grant of anticipatory bail in case bearing FIR No.462 dated 01.10.2020, registered under Sections 147, 148, 149, 323, 324, 341, 427,

506 IPC (Section 365 IPC subsequently added) at Police Station City Fatehabad, District Fatehabad.

The alleged occurrence took place on 30.09.2020 at 11.00 P.M and FIR was lodged on 01.10.2020 at 14.46 hours i.e. 2.46 A.M. According to the prosecution case, petitioner-Mangat Singh @ Mangu gave slaps and punches to the complainant. Even before registration of the case, petitioner-Mangat Singh @ Mangu was hospitalized at 11.36 P.M. and the occurrence was relatable to the injuries suffered by the petitioner as per MLR for which *ruqa* was duly sent to the Police, but no FIR was registered at the instance of Mangat Singh @ Mangu. Offence under Section 365 IPC was added without there being any allegation on behalf of the complainant in respect of his abduction, but the Police has added the aforesaid offence solely on the basis of CCTV footage.

Learned counsel for the petitioner(s) submitted that the FIR in question is totally silent with regard to the ingredients of offence under Section 365 IPC.

Per contra, learned State counsel opposed the prayer on the ground that the petitioners are specifically named in the FIR with reference to their specific roles, therefore, they are not entitled for grant of anticipatory bail.

Petitioner-Mangat Singh is also known by the name of Mangu and has not caused any injury to the complainant. Arrest of the petitioners was stayed vide orders dated 02.11.2020 and 27.11.2020 passed in both the cases separately. The case appears to be debatable in respect of complicity of the petitioners.

In view of aforesaid, both the petitions are allowed. Petitioners are directed to appear before the SHO/Investigating

Officer to join investigation on 16.12.2020 and in the event of their arrest, they shall be released on bail on their furnishing bail 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 petitioner(s) shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner(s) 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;
- iii) that the petitioner(s) shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

December 09, 2020

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No