

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

Criminal Misc.-M No. 35976 of 2019

Date of Decision: January 13, 2020

Nikku Singh @ Surjeet Singh & others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurvinder Singh Sidhu, Advocate,
for the petitioners.

Ms. Tanu Shree Gupta, DAG, Haryana.

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.60 dated 28.06.2019, under Sections 147,148, 323, 325, 506 IPC and Section 3 of SC/ST Act, 2018, registered at Police Station, Rori, District Sirsa. 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 30.08.2019, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners contends that there are cross-versions and FIR No.57 was registered under Sections 323, 324, 341, 147, 148 and 506 IPC at the instance of petitioner No.1 on 24.06.2019 wherein the injuries suffered by the victim are declared dangerous to life. It is pointed out that in the FIR No.60 dated 28.06.2019 registered under Sections 147, 148, 323, 325 and 506 IPC and Sections 3 of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 on the statement of Harwinder Singh, only fist and kick blows are attributed to the petitioners. According to him, the ingredients to constitute offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are missing.

Considering the averments, there are reasonable grounds for exercising the inherent power under Section 482 Cr.P.C as provisions of Section 438 Cr.P.C are not applicable.

Notice of motion for 13.01.2020.

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.”

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 from SI Dilbagh 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 30.08.2019 is made absolute.

Petition stands disposed off.

January 13, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No