

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36311-2019

Date of Decision: 06.01.2020

Hakam and others

.. Petitioners

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saleem Ahmed, Advocate for petitioner Nos.2 and 3.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Ashok Tyagi, Advocate for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.210 dated 16.08.2019, under Sections 147, 148, 323, 341, 452 and 506 Indian Penal Code, 1860, registered at Police Station Pinangwan, District Nuh. The petitioners apprehended their arrest at the hands of Police in the above FIR. The petition presently survives only on behalf of accused Afroj and Hansira as petitioner No.1 stood arrested before issuance of notice of motion.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 07.11.2019, whereby the interim protection was extended to them. The said order reads as under:-

“The allegations against the petitioners in the FIR are that there was a dispute between the children of the petitioners and the complainant. On 08.08.2019, the petitioners gave beatings to the wife of the complainant. She was rescued. However on 09.08.2019, she was again beaten up and sustained five injuries.

Learned counsel for the petitioners contends that in the

altercation, the petitioners also received injuries. Petitioner Nos.2 & 3 are ladies. He states that petitioner No.1 has already been arrested, therefore, this petition qua him has become infructuous. He further does not press the petition qua petitioner No.4, at this stage.

In view of above, petition is dismissed as infructuous qua petitioner No.1 and qua petitioner No.4, it is dismissed as withdrawn.

Notice of motion qua petitioner Nos.2 & 3 only for 11.12.2019.

Meanwhile, in the event of arrest, petitioner Nos.2 & 3 shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. Petitioner Nos.2 & 3 are also directed to join the investigation and cooperate with the Investigating Agency, as and when required. ”

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

At this stage, learned counsel for the complainant opposes the prayer on the ground that the complainant has been receiving threats from the petitioners and seeks permission of the Court to file the affidavit in this regard. However, in response to the query put by the Court, he fairly states that no complaint was ever made to the police regarding the alleged threats.

Learned State counsel who is assisted by HC Gajender does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from HC Gajender 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 07.11.2019 is made absolute.

06.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No