

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-43832-2019

Date of Decision: 19.02.2020

**Balwinder Singh and another**

**.. Petitioners**

**Vs.**

**State of Haryana**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Sanjiv Gupta, Advocate for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Munish Kumar Garg, Advocate  
for the complainant.

...

**Manoj Bajaj, J. (Oral)**

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.459 dated 22.09.2019 under Sections 279, 307, 365/34 IPC and Section 25 Arms Act, 1959, registered at Police Station City Tohana. They apprehended their arrest at the hands of Police in the above said FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 16.10.2019 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 the litigation regrading property is pending between the parties and the allegation as contained in the FIR do not appeal to prudence. It is pointed out that in the alleged occurrence, no injury was suffered by the victim.*

*Notice of motion for 19.02.2020.*

*Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”*

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 who is assisted by Inspector Surinder Singh does not dispute this fact that the petitioners have joined the investigation and states that they are not required for custodial interrogation for the time being. She apprised the Court that after completion of investigation, a cancellation report has been prepared.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 16.10.2019 is made absolute.

19.02.2020  
Jasmine Kaur

(MANOJ BAJAJ)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
No