

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

208

**CRM-M-50288-2019
Date of decision: 31.01.2020**

Krishan Garg and anotherPetitioners

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, Asst.AG Haryana
for respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") is for grant of anticipatory bail to the petitioners in case FIR No.222 dated 21.09.2016 registered under Sections 323 and 506 read with Section 34 of the Indian Penal Code, 1860 at Police Station Cheeka, District Kaithal to which Section 326 of the IPC was added lateron.

Vide order dated 27.11.2019 passed by this Court, the petitioners were granted interim anticipatory bail with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

Learned counsel for the petitioners has submitted that the petitioners were falsely implicated in the present case. The petitioners

have joined the investigation. Nothing is to be recovered from them and their custodial interrogation is not required.

Learned State Counsel has acknowledged that in compliance with order dated 27.11.2019 passed by this Court, the petitioners have joined investigation and also admitted that their custodial interrogation is not required for effecting any further recovery.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioners and the fact that custodial interrogation of the petitioners is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 27.11.2019 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

31.01.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No