

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

**CRM-M No. 2099 of 2021
Date of decision: 02.11.2021**

Gugan and another Petitioners.

Versus

State of Haryana and another Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sahil Gupta, Advocate, for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana, for respondent No. 1.

Mr. J.P. Sharma, Advocate, for respondent No. 2.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioners are seeking anticipatory bail in FIR No. 0365 dated 06.10.2020, under Section 147, 149, 323, 379-B and 506 of the Indian Penal Code, 1860, registered at Police Station Kanina, District Mahendergarh.

A Coordinate Bench of this Court passed the following order on 15.01.2021:-

“The case has been taken up for hearing through video conferencing.

Petitioners-Gugan and Bhuepender have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.0365 dated 06.10.2020 registered under Sections 147, 323, 379-B and 506 read with Section 149 of the Indian Penal Code, 1860 at Police Station Kanina, District Mahendergarh.

Learned Counsel for the petitioners has submitted that the

petitioners have been falsely implicated in the present case. The FIR is a counter-blast to Civil Suit filed by Rajpal Singh and Satyavir Singh against the complainant. Even as per the prosecution version, the injuries caused to complainant Brijpal are not alleged to be grievous or dangerous to life. The allegations regarding snatching of the mobile phone, key of motorcycle and amount of Rs.10,000/- were added to the FIR to make case triable by the Sessions Court. The petitioners are ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. Ranvir Singh Arya, Addl. A.G., Haryana has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 05.03.2021.

In view of the facts and circumstances of the case, I consider presence of the complainant to be necessary for just and proper decision of the petition. Therefore, the complainant is ordered to be impleaded as respondent No.2. Memo of parties be amended accordingly.

Notice to newly respondent No.2 be issued for the date fixed and be also given dasti, if so desired.

Reply by respondent No.1-State along with copies of the MLR, X-ray report, medical opinion and call details record regarding mobile phone of the complainant, if any, obtained by the investigating officer be filed in the Registry before the date fixed.

In the meanwhile, petitioners-Gugan and Bhuepender are directed to join the investigation as and when called upon to do so. In the event of their arrest, the petitioners shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall

comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim anticipatory bail allowed to them.”

Learned State counsel, upon instructions from SI Narender Singh, states that the petitioners have joined investigation.

Learned counsel for respondent No. 2 contends that in view of serious allegations against the petitioners, they are not entitled to the concession of anticipatory bail.

In view of the above and the petitioners having joined investigation, the order dated 15.01.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438 (2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

02.11.2021
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No