

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-2571 of 2021
Date of Decision : 31.08.2021

Sarif Khan and others

....Petitioners

Versus

State of Haryana

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. G.C. Shahpuri, Advocate for the petitioners.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Virender Rana, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No. 180 dated 13.11.2020 under Section 148, 149, 323, 506 of the Indian Penal Code, 1860 (Section 325 and 307 of the IPC, 1860 added later on) registered at Police Station Uthawar, District Palwal, Haryana.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 19.01.2021. Order dated 19.01.2021 is as under:-

“Prayer in this petition is for grant of anticipatory bail to the petitioners in case FIR No.180 dated 13.11.2020 under Section 148, 149, 323, 506 of the

Indian Penal Code, 1860 (Section 325 and 307 of the IPC, 1860 added later on) registered at Police Station Uthawar, District Palwal, Haryana.

Learned counsel for the petitioners, inter alia, contends that the petitioner No. 1-Sarif Khan has been attributed only fist and kick blows on the person of Rashid and no other injury has been attributed to him, much less, injury attracting the mischief of Sections 325 and 307 of the Indian Penal Code, 1860. He further submits that the similarly situated co-accused i.e. Sahabuddin and Haarish have been extended the concession of anticipatory bail by the co-ordinate Bench of this Court vide order dated 01.01.2021 (Annexure P-2).

As far as petitioners No.2 and 3 are concerned, learned counsel submits that they were allegedly armed with a stick and attributed stick blows on the head of complainant-Arshad which injuries were opined to be simple in nature. He further submits that the injuries attracting the mischief of Section 325 and 307 of the IPC have been attributed to Rakib and Sajid on the head of Allaudeen.

Notice of motion.

On the asking of Court, Ms. Tanushree Gupta, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State.

At this stage, Mr. Virender Rana, Advocate has put in appearance on behalf of the complainant.

Meanwhile, petitioners are directed to join the investigation as and when required by the investigating officer. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Code of Criminal Procedure, 1973.

Adjourned to 04.05.2021.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Subhash Chander states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required, at this stage.

In view of the above, the order dated 19.01.2021 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.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but are not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 31, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No