

CRM-M-2680-2021

Date of Decision:12.02.2021

Amod Kumar and anotherPetitioners
Vs.
State of HaryanaRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Arun Sharma, Advocate,
for the petitioners.

Mr. Surender Singh, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 25.01.2021, the following order had been passed:-

“Case heard by video conference.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.11, dated 11.01.2021, having been registered at Police Station Chhappar, District Yamunanagar, alleging therein the commission of offences punishable under Sections 323, 427, 452 and 34 of the IPC.

Learned counsel for the petitioners, submits that the occurrence took place due to some other dispute between the parties. However, I find no justification on that count for the accused to enter the complainants' house and inflict injuries.

Be that as it may, he further submits that as regards petitioner no.1, Amod Kumar, his name is actually not mentioned by the complainant at all, with petitioner no.2, one Tarsem and his two sons having been named in the FIR, but with the police having found the latter innocent.

Notice of motion.

On the asking of the Court, Mr. B.S.Virk, DAG, Haryana, accepts notice on behalf of respondent State.

A copy of the petition be e-mailed to him during the course of the day.

Without making any comment on the innocence of any of the parties, however, since petitioner no.1 is not seen to be named by the complainant, who obviously would know him being a neighbour, the said petitioner is directed to join investigation within 7 days and upon him so joining, if he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.

As regards petitioner no.2, Subodh Kumar, he having been initially named in the complaint itself and there being an allegation of the commission of an offence punishable under Section 452 of the IPC, as also the other offences that have been mentioned therein, with injuries also caused, I see no reason to entertain this petition *qua* him.

Consequently, to repeat, without making any comment on the actual merits of the case, further hearing in the petition is adjourned to 03.02.2021 *qua* petitioner no.1, but *qua* petitioner no.2 Subodh Kumar, the petition is dismissed.”

Pursuant to the aforesaid order, learned State counsel submits, on instructions, that petitioner no.1 has joined investigation and presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, this petition has actually been rendered infructuous and is disposed of as such.

However, if the custodial interrogation of petitioner no.1 is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

It is to be of course noticed that vide the same order dated 25.01.2021, the petition *qua* petitioner no.2 had already been dismissed.

February 12, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO