

CRM-M-7927-2021

Date of Decision:15.11.2021

Charan Dass alias Banti and anotherPetitioners
Vs.
State of HaryanaRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

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

Mr. Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conferencing.

By this petition, the petitioners seek the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.514, dated 29.08.2020, having been registered at Police Station Samalakha, District Panipat, alleging therein the commission of offences punishable under the provisions of Sections 285/323/452/506/34 of the IPC.

On 19.02.2021, the following order had been recorded by this court (co-ordinate bench):-

“Notice of motion was issued on 19.02.2021 and arrest of the petitioners was stayed after noticing some incriminating facts.

For the reasons recorded in the aforesaid order, it would be just and appropriate to direct the petitioners to appear before the SHO/Investigating Officer to join investigation on 09.09.2021 at 11.00 A.M., and in the event of their arrest, they shall be enlarged on interim bail, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.

Adjourned to 15.11.2021.”

Thereafter, vide an order passed on 02.09.2021, the petitioners had been directed to join investigation and were directed to be released on bail if they were sought to be arrested.

A reply has been filed by the DSP, Samalkha, dated 11.05.2021, which is ordered to be taken on record.

Though there is an allegation of the commission of an offence punishable under the provisions of the Arms Act, 1959, as also under Section 452 of the IPC, it is admittedly a case of a simple injury with a blunt weapon, with no allegation of actual eve teasing etc..

Consequently, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 02.09.2021, made absolute on the same terms and conditions.

November 15, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO