

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11460-2021 (O&M)
Date of decision: 12.03.2021

Vikash and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikram Lakhlan, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.159 dated 18.08.2019 under Sections 307, 323, 341, 147, 148, 149, 506 IPC (Section 3 (2)(D) of SC&ST Act was added later on), registered at Police Station Behal, District Bhiwani.

Learned counsel for the petitioners submits that the petitioners were not named in the FIR and their names were nominated on the basis of disclosure statement of co-accused Surender and he has already been granted the concession of regular bail by this Court vide order dated 31.01.2020 passed in CRM-M-3654-2020 and one another co-accused Dinesh has also been granted the concession of anticipatory bail vide order dated 25.11.2019 passed in CRM-M-44849-2019. It is further submitted that no overt act is attributed to the petitioners and even there is no allegation, which would constitute the

offence under SC&ST Act.

From perusal of the FIR, which was noticed in the order dated 25.11.2019 granting anticipatory bail to co-accused Dinesh, it is found that no serious injury is found and it is only abrasion reported in the MLRs of two victims.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State while Mr. Rishi Lal, Advocate has appeared on behalf of the complainant.

Learned State counsel has not disputed the factual position, however, learned counsel for the complainant has submitted that on verification, the complainant has given an affidavit that the petitioners are involved in this case.

After hearing learned counsel for the parties and considering the aforesaid submissions by them, this petition is allowed and the petitioners are granted anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

However, it will be open for the Investigating Officer to call the petitioners for joining them in the investigation by issuing an advance notice in writing.

[ARVIND SINGH SANGWAN]
JUDGE

12.03.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No