

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

208

CRM-M-11890-2021

Date of Decision:09.08.2021

AMRIK @ VICKY AND ANR

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vivek Goyal, Advocate for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana.

Ms. Renu, Advocate for the complainant.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners seek anticipatory bail in case FIR No.183 dated 09.12.2017, registered under Sections 148, 149, 323, 324, 325, 307, 452, 506 and 120-B IPC, 1860, at Police Station Kalka, District Panchkula.

On 15.03.2021, this Court had passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Counsel for the petitioners has urged that the allegation against the petitioners is that they were member of unlawful assembly comprising of 15-16 boys and they instigated others to attack the complainant and his companions. Counsel submits that FIR has been registered on the basis of the complaint made by one of the injured, Shyam Lal, who has executed affidavits (Annexures P-2 and P-3) deposing that the petitioners were not involved in the attack. Still further, counsel has referred to the examination-in-chief of Shyam Lal where the petitioners had not been named.

Notice of motion.

On asking of the Court, Mr.Rajiv Sidhu, Deputy Advocate General, Haryana accepts notice on behalf of respondent-State and Mr. Manjeet Singh Kundu, Advocate appears on behalf of respondent No.2-complainant.

Upon instructions from ASI Dharampal, State counsel submits that the petitioners are on the run and the proceedings have been initiated for declaring them as Proclaimed Offenders, though the order in this regard is yet to be passed by the trial Court.

Counsel representing the complainant affirms that affidavits, (Annexures P-2 and P-3) have been executed by the complainant.

List on 09.08.2021.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. They shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Rishipal, states that the petitioners have joined the investigation and they are no longer required for custodial interrogation. He has further instructions to state that the petitioners are not involved in any other criminal case.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 15.03.2021 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

09.08.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No