

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(204)

CRM-M-23465-2021

Date of decision: - 21.09.2021

Pardeep @ Polla and another

....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.N. Lohan, Advocate, for the petitioners.

Mr. Karan Garg, Assistant Advocate General, Haryana.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioners are seeking anticipatory bail in FIR No.41 dated 26.02.2021, registered under Section 395 of IPC, at Police Station Rajound, District Kaithal.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court on 18.06.2021. Order dated 18.06.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No.41 dated 26.02.2021 registered under Section 395 of IPC at Police Station Rajound, District Kaithal.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and the incident, which is being alleged against them never happened. Learned counsel for the

petitioners further submits that the driver namely, Sanjeev s/o Ramdhari as well as complainant namely, Jasbir Singh s/o Miyan Singh were never assaulted while they came to take possession of the tractor. Learned counsel for the petitioners submits that the allegation that the complainant and the driver were beaten was factually incorrect and this fact can be ascertained as there is no MLR done and no injury was found on the person of the complainant or driver.

Notice of motion for 21.09.2021.

Mr. Sharad Aggarwal, AAG, Haryana., who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that the allegations alleged against the petitioners are serious in nature as they interfered and created obstruction for the execution of the order passed by the Court. Learned State counsel concedes that no injury has been found on the person of the complainant or driver and there is no MLR done to ascertain any injury upon the complainant and driver as alleged in the FIR.

Once, there are no injuries found on the person of the complainant or driver and the petitioners are ready to join and cooperate in the investigation and nothing is to be recovered from them, the petitioners have made out a case for the grant of benefit of anticipatory bail to them.

The petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That they shall make themselves available for interrogation by the police officer as and when required.
- (ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the said facts to the Court or to any police officer.
- (iii) That they shall not leave India without prior permission of the Court.
- (iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings

through video conference, on instructions from S.I. Wazir Singh, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and is not required for further investigation, at this stage.

In view of the above, the order dated 18.06.2021 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.

September 21, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No