

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

**CRM-M-23572-2021
Date of decision: 28.07.2021**

Rahisan and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Mohammad Arshad, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Arjun Attri, Advocate
for the complainant.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 202 dated 18.05.2021, registered under Sections 148, 149, 323, 324, 341, 506 of the IPC (Sections 325 and 307 IPC added later on) at Police Station Sadar Nuh, District Nuh.

The operative part of the order dated 21.06.2021, vide which the petitioners have been granted interim bail, is reproduced below:

“It has been contended by learned counsel for the petitioners that from the FIR the role attributed to petitioner No.1-Rahisan is that he attacked Hussain with his baton upon his left thigh. Petitioner No.2- Mubarik caused injury to Hussain with a baton on fingers of his left hand and petitioner No.3-Sabir caused injury on the right hand of complainantIrshad. It has been further contended that regarding other injury attributed to petitioner No.2- Mubarik is that he gave lathi blow on the right arm of Wasim. However, all the injuries caused are under Section 325 IPC and the injury caused under Section 307 IPC is

not attributed to them. In all, there are ten accused and the petitioners having been the members of unlawful assembly are named in the FIR with the aid of Sections 148 and 149 IPC.

The contentions raised are not disputed by learned counsel for the State. However, Mr.Arjun Attri, Advocate, who is appearing for the complainant, vehemently opposes the grant of anticipatory bail to the petitioners. He has asserted that all the petitioners are part of unlawful assembly and they had a active role in causing injuries to the complainant.

Notice of motion.

On the asking of the Court, Ms.Safia Gupta, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State.

List on 28.07.2021.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 21.06.2021, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Kailash, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 21.06.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

28.07.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No