

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

207

CRM-M-26134-2020

Date of decision: 13.01.2021

Baljeet and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Bikram Chaudhary, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG, Haryana
for respondent No.1-State.

Mr. Balraj Gujjar, Advocate
for respondent No.2/complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioners have filed (First) petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No. 286 dated 20.08.2020 under Sections 323, 452, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Sadar, Ballabgarh, District Faridabad.

Vide order dated 04.09.2020, while issuing notice of motion and impleading complainant as respondent No.2, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by the learned State Counsel in terms of affidavit of Sh. Prithvi Singh, HPS, Assistant Commissioner of Police, Tigaon, District Faridabad.

The petition has also been opposed by respondent No.2-complainant. However, no reply has been filed by respondent No.2/complainant.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for respondent No.2/complainant and have gone through the record.

Learned Counsel for the petitioners have submitted that the petitioners have been falsely implicated in the case. The complainant and the petitioners are family members and are having residential houses adjoining to each other. Due to temperamental differences petty quarrels took place between the family members of their families. The petitioner No.1 got CCTV cameras installed in his house which has become the root cause of more frequent quarrels. There was undue and unreasonable delay of 20 days in lodging of the FIR. The incident involved has version and cross version. FIR No. 324 dated 17.09.2020 was registered against the complainant party. In compliance with the order dated 04.09.2020 the petitioners have joined investigation.

Learned State counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioners do not deserve grant of anticipatory bail and the petition may be dismissed.

Learned Counsel for respondent No.2/complainant has submitted that the petitioners are alleged to have caused injuries to Sheela-mother of the complainant and according to Dr. Vineet one of the injuries caused to him was declared to be dangerous to life. The petitioners do not deserve grant of anticipatory bail. Therefore, the

petition may be dismissed.

In this regard, learned State Counsel has submitted that after the medical opinion given by the above said doctor medical board was constituted which declared the said injury to be simple.

However, learned State Counsel has, on instructions from HC Surinder Singh, acknowledged that in compliance with order dated 04.09.2020 passed by this Court, the petitioners have joined the investigation and that their custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, nature of accusation against the petitioners, the fact that custodial interrogation of the petitioners is not required in the case and there is no material to justify the apprehension of the petitioners fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the grant of anticipatory bail.

Therefore, the petition is allowed and order dated 04.09.2020 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

13.01.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No