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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31371-2021 (O&M)
Date of Decision: 02.12.2021

Abhishek and another

.. Petitioners

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kumar, Advocate for
Mr. Rakesh Gupta, Advocate for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.126 dated 27.04.2021, registered under Sections 148, 149, 323, 325 and 506 IPC at Police Station Sadar Ballabgarh, Faridabad, District Faridabad. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 27.08.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioner contends that though the name of the petitioners are mentioned in the FIR No. 126 dated 27.04.2021 but no specific role has been attributed to them. He submits that considering the nature of offence, the custodial interrogation of the petitioners may not be necessary.

Learned State counsel on instructions from ASI Bhupender Singh has stated that previously also the complainant was attacked and case FIR No. 172 dated 01.04.2019 was registered at the instance of Ravi (brother of the complainant). Subsequently also another FIR No. 133

dated 02.05.2021 has been registered, on the complaint given by Ravi.

At this stage, learned counsel for the petitioner has pointed out that except for the FIR No. 126 dated 27.04.2021, the petitioners are not involved in the other cases.

Adjourned to 02.12.2021.

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

Learned counsel for the petitioners further states that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Bhupender does not dispute this fact that the petitioners have joined the investigation and are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 27.08.2021 is made absolute.

02.12.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No