

CRM-M-35218-2021

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

(203)

CRM-M-35218-2021.
Date of Decision:-03.11.2021.

Mehar Singh and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bhupender Singh, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.131 dated 10.05.2020 under Sections 148, 149, 323, 324, 427, 452, 506 of IPC (Sections 452 and 427 of IPC were deleted and Section 326 of IPC was added later on), registered at Police Station Taraori, District Karnal.

On 27.08.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners, inter alia, contends that FIR No.133 dated 10.05.2020 was got registered by Pardeep son of Kehar Singh against the complainant party with respect to the same incident and in the said FIR, serious

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injuries were given by the complainant party and, thus, the FIR was also registered under Section 307 IPC among other Sections. Even as per the version in the present FIR i.e., FIR No.131, it has been argued that no specific injury has been attributed to the petitioners and the injury on the basis of which Section 326 IPC has been added is on the little finger and has been attributed to co-accused Ankit. It is further submitted that the petitioner No.1 is 71 year old man and petitioner No.2 is a patient of Tuberculosis and they have been forcibly involved in the case and in fact it was the complainant party which was the aggressor and caused serious injuries to the party of the petitioners.

Notice of motion for 03.11.2021.

Mr. Praveen Bhadu, learned Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State and seeks time to file reply.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners has submitted that in pursuance of the above order, the petitioners have joined the investigation.

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Learned State counsel, on instructions from SI Dalbir Singh, has submitted that the petitioners joined the investigation on 13.09.2021.

Keeping in view the above facts and circumstances and also the fact that the present case is a case of version and cross-version and no specific injury has been attributed to the petitioners and petitioner No.1 is and old person of 71 years of age and petitioner No.2 is a patient of tuberculosis and also the fact that the petitioners have joined the investigation, the present petition is allowed and the order dated 27.08.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 03, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No