

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(206)

CRM No. M-35933 of 2021  
Date of Decision : 24.11.2021

Bimla and others

...Petitioners

Versus

State of Haryana

.....Respondent

(Through Video Conferencing)

***CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present:- Mr. Shailender Singh Gill, Advocate  
for petitioners No. 1 and 5.

Mr. Karan Sharma, Assistant Advocate General, Haryana.

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**Harsimran Singh Sethi, J. (Oral)**

The petitioners No. 1 and 5 are seeking anticipatory bail in FIR No. 402 dated 16.07.2021, registered under Sections 148, 149, 323, 324, 452, 506 IPC (Section 325 IPC added later on) at Police Station Narnaund, District Hisar.

Learned counsel for petitioners No. 1 and 5 contends that petitioners No. 1 and 5 have joined investigation in terms of order passed by this Court dated 02.09.2021. Order dated 02.09.2021 is as under:-

*“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. 402 dated 16.07.2021, registered under Sections 148, 149, 323, 324, 452, 506 IPC (Section 325 IPC added later on) at Police Station Narnaund, District Hisar.*

*Learned counsel for the petitioners argues that though, the present petition has been filed on behalf of six petitioners*

*but he be allowed to withdraw this petition qua petitioners No. 2, 3, 4 and 6 and the present petition may kindly be treated only on behalf of petitioners No. 1 and 5. Learned counsel for the petitioners argues that petitioners No. 1 and 5 have not been attributed any injury, which is grievous in nature and both the petitioners are ready to join the investigation and cooperate with the same. Learned counsel for the petitioners submits that present is the case where petitioner No. 1 has also stated to have received injuries.*

*Notice of motion.*

*Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.*

*Learned counsel for the respondent-State submits that a specific injury has been attributed to petitioner No. 5 upon Satpal though, the said injury is simple in nature. Learned counsel for the respondent-State further submits that the weapons used for the commission of offence, are yet to be recovered and, therefore, custodial interrogation of the petitioners No. 1 and 5 is also necessary.*

*I have heard learned counsel for the parties and have gone through the record with their able assistance.*

*No injury attributed to the petitioners has been declared grievous in nature. The injury attributed to petitioner No. 5 is simple in nature and no specific injury has been attributed to petitioner No. 1.*

*Keeping in view the facts and circumstances and also the fact that petitioners No. 1 and 5 have undertaken before this Court that they will join the investigation and cooperate, the purpose of investigation will be achieved in case, a direction is issued to petitioners No. 1 and 5 to join the investigation and cooperate with the sme.*

*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 his/her satisfaction subject to the following conditions:*

- i) That they shall make himself 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.*

*Adjourned to 24.11.2021.*

*It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against petitioners No. 1 and 5, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.*

*It is clarified that the present order is qua only petitioners No. 1 and 5 as petition qua petitioners No. 2, 3, 4 and 6 has been withdrawn by learned counsel for the petitioners.”*

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Dharamvir Singh states that in terms of the order of this Court reproduced before, petitioners No. 1 and 5 have joined the investigation and the challan has been submitted and no further interrogation of petitioners No. 1 and 5 is required.

In view of the above, the order dated 02.09.2021 granting interim bail to petitioners No. 1 and 5 is made absolute.

However, petitioners No. 1 and 5 shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands disposed of.

**November 24, 2021**  
*kanchan*

**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

*Whether reasoned/speaking? Yes*  
*Whether reportable? No*