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

CRM-M No.37284 of 2020(O&M)

Date of Decision: 19.08.2021

Buta Ram and others

.....Petitioners

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. P.K. Ganga, Advocate
for the petitioners.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. P.S. Jammu, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

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

CRM No.18437 of 2021

This is an application for addition of Section 379-B IPC in the head note and prayer clause of the petition.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions and offence under Section 379-B IPC is allowed to be incorporated in the head

note and prayer clause of the petition.

Main case

Petitioners seek grant of anticipatory bail in case bearing FIR No.225 dated 07.07.2020 registered under Sections 147, 149, 323, 379, 379-B, 506 IPC at Police Station Sadar Sirsa, District Sirsa.

In compliance of order dated 16.03.2021, CRM No.18437 of 2021 has been filed, which stands allowed vide order of even date subject to all just exceptions.

On 12.11.2020, following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioners, in case FIR No. 225, dated 07.07.2020, under Sections 147, 149, 323, 379, 506 IPC, registered at P.S. Sadar Sirsa, District Sirsa.

Notice of motion for 16.03.2021.

On the asking of the Court, Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the State.

At this stage, Mr. P.S. Jammu, Advocate, has put in appearance on behalf of the complainant.

Meanwhile, the petitioners are directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners submits that in

respect of occurrence dated 27.06.2020, the FIR in question came to be registered only on 07.07.2020 after a delay of more than 10 days. Learned counsel further claims that the registration of present FIR is the counter blast to FIR No.213 dated 30.06.2020 under Sections 323, 324, 452, 506, 355 IPC, Police Station Sadar Sirsa.

Learned counsel for the complainant submits that the said FIR has already been cancelled.

Learned counsel for the petitioners submits that in compliance of order dated 12.11.2020, the petitioners have joined the investigation.

Learned State counsel on instructions from Investigating Officer submits that the petitioners have joined the investigation and according to his note, they are no more required for further investigation in the case. However, learned counsel for the complainant opposed the bail on the ground that the police has taken totally indifferent stand in investigating the present case. The injuries on the person of the complainant attract culpability of heinous nature, but still necessary offences have not been incorporated in the FIR and the case has not been investigated properly.

Evidently, the complainant has not resorted to any legal remedy of filing any criminal complaint so far. Even in this

petition, the complainant has not ventilated any such grievance by way of filing any application.

At this stage, the stand taken by the Investigating Officer is to be accepted.

Since the petitioners have joined the investigation and they are not required for further investigation in the case, therefore, the interim order dated 12.11.2020 is made absolute. Petitioners shall keep on joining the investigation as and when required to do so and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

19.08.2021
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(RAJ MOHAN SINGH)
JUDGE

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