

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

208

CRM-M-41210-2020

Date of decision: 11.02.2021

Vinod and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amit Choudhary, Advocate
for the petitioners.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

Mr. Vikas Bishnoi Godara, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

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

Petitioners-**Vinod and Ram Niwas** have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.468 dated 05.10.2020 registered under Sections 323, 324, 452 and 506 read with Section 34 of the Indian Penal Code, 1860 at Police Station City Fatehabad, District Fatehabad to which Section 326 of the IPC was added lateron.

While issuing notice of motion on 09.12.2020, this Court had granted interim anticipatory bail to the petitioners with direction to join the investigation and the relevant part of the said order reads as under:-

"The petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.468 dated 05.10.2020 registered under Sections 323, 324, 452 and 506 read with Section 34 of the Indian

Penal Code, 1860 at Police Station City Fatehabad, District Fatehabad to which Section 326 of the IPC was added lateron.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case. Even as per the allegations made in the FIR both the petitioners are alleged to have caused injuries with their lathis to complainant-Krishan Kumar and his brother Atma Ram. Grievous injury caused with sharp edged weapon to the complaint-Krishan Kumar is attributed to co-accused Sunil. The petitioners are ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Sumit Jain, Addl. A.G. Haryana has appeared and accepted notice on behalf of the respondent-State.

At this stage, Mr. Vikas Bishnoi Godhara, Advocate has appeared on behalf of the complainant and undertakes to file his power of attorney in the Registry.

Learned State Counsel and learned Counsel for the complainant seek time to file reply.

Adjourned to 11.02.2021.

In the meanwhile, petitioners-Vinod and Ram Niwas are directed to join the investigation as and when called upon to do so. In the event of their arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim bail allowed to them."

The petition has been opposed by the respondent-State and the complainant. However, no reply has been filed by the respondent-State or the complainant.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for the petitioners has, while reiterating submissions made on 09.12.2020, submitted that in compliance with order dated 09.12.2020, the petitioners have joined the investigation.

On the other hand, learned State Counsel and learned

Counsel for the complainant have vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioners do not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Rameshwar Dayal, acknowledged that in compliance with order dated 09.12.2020 passed by this Court, the petitioners have joined the investigation and that their custodial interrogation in the present case is not required for effecting any recovery.

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 tampering 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.

In view of the above, the petition is allowed and order dated 09.12.2020 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.

11.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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