

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.44351 of 2020
Date of Decision : 09.08.2021

Abishek Chechy and others ...Petitioners

Versus

State of HaryanaRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. S.S. Dinarpur, Advocate
for the petitioners.

Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioners in case FIR No.601 dated 09.12.2020, registered under Sections 148/149/323/341 and 506 IPC to which Section 325 IPC added later on besides Section 3 of SC & ST Act, 1989 at Police Station Pehowa, District Kurukshetra, Haryana.
3. On 18.02.2021, the following order was passed:-

“ At the very outset, learned counsel for the petitioners prays for addition of prayer for treating this petition as one filed under Section 482 Cr.P.C read with Section 438 Cr.P.C. It is argued that inadvertently the said Section was not mentioned in the petition and he prays for addition of the same in the head-note and prayer clause of the petition.

Allowed as prayed for.

Ordered accordingly.

Learned counsel for the petitioners prays for grant of anticipatory bail to the petitioners while inter-alia contending that the petitioners have been falsely implicated in the present case and a reading of the FIR would reflect that offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 would not be made out against the petitioners and petitioners are ready and willing to join the investigation.

Notice of motion.

Mr. P. P. Chahar, DAG, Haryana appearing through the medium of video conferencing accepts notice on behalf of the respondent State and seeks time to file reply.

Adjourned to 09.08.2021.

Meanwhile, petitioners are directed to join the investigation within a period of one week and on doing so, the petitioners be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C. ”

4. Today, learned counsel for the petitioners contends while learned State counsel, on instructions from *ASI Raj Pal*, confirms that pursuant to the order of this Court dated 18.02.2021, the petitioners joined investigation, cooperated in the same, were released on ad-interim pre-arrest bail and their custodial interrogation is not required.

5. In view of the statement of the learned State Counsel, order dated 18.02.2021, passed by this Court, is made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 438(2)

Cr.P.C. However, nothing stated hereinabove shall be deemed to be an expression of opinion on the merits of the case.

6. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

09.08.2021
'Rajneesh'

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