

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

CRM-M No.49486 of 2021 (O&M)

Date of decision: 26.11.2021

Akhtar and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harsh Mehla, Advocate for the petitioners.

Mr. Anant Kataria, DAG, Haryana.

Mr. Vishal Singh Chauhan, Advocate for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.515 dated 02.10.2021 registered under Sections 148, 149, 323, 325, 307, 506 IPC at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Counsel for the petitioners has argued that both the petitioners are brothers and there was a marriage in the family of the petitioners where on account of playing of DJ, the complainant side came and started objecting to the same. It is further submitted that it was about 09:00 PM and even as per the administration's direction, the DJ can be played upto 10:00 PM.

Counsel for the petitioners has also submitted that as per the allegations in the FIR, Rafi has given a gandasi blow on the head of Ahsaan, which invoke Section 307 IPC and Rafi already stands arrested. It is further submitted that it is a case of fight between the two parties wherein the petitioners' side has suffered injuries and for the

purpose of registration of the cross case, a complaint under Section 166(3) Cr.P.C., has already been filed before the Illaqa Magistrate and is pending consideration. It is also submitted that there is no specific allegation against the petitioners of causing any injury to any of the victim. Lastly, it is argued that both the petitioners are not involved in any other case of similar nature.

Counsel for the State, assisted by counsel for the complainant has opposed the prayer for bail on the ground that one of the victim Ahsaan has suffered head injury, which is attributed to Rafi. It is further stated that 04 persons named in the FIR, have already been arrested.

Counsel for the complainant has additionally argued that some recovery is to be effected from the petitioners as they were shown to be carrying stick in their hands.

After hearing the counsel for the parties, considering the fact that it is a case of version and cross-version and as per the allegations in the FIR itself, it is the complainant side which has gone to the house of the petitioners where a marriage ceremony was going on and the complainant side protested for playing DJ at about 09:00 PM and on that account, a free fight occurred between both them and both the parties have suffered injuries, therefore, it will be a matter of trial as to which party was aggressor.

Accordingly, considering the clean antecedents of the petitioners and also in view of the fact that no injury is attributed to the petitioners, this petition is allowed and the petitioners are directed to appear before the Investigating Officer within a period of 10 days to join investigation and they shall be released on interim bail on

furnishing bail/surety bonds subject to the following conditions:-

- 1. They shall make themselves available for interrogation by a police officer as and when required;*
- 2. 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 him from disclosing such facts to the Court or to any police officer; and*
- 3. They shall not leave India without previous permission of the Court.*

It will be open for the Investigating Officer to issue an advance notice in writing to the petitioners, as and when required by him to join the investigation.

(ARVIND SINGH SANGWAN)
JUDGE

26.11.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No