

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2323-2022

Date of decision : 30.03.2022

Raman and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.G.S. Saini, Advocate for
Mr.Yashpal Thakur, Advocate
for the petitioners.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.240 dated 19.11.2021 registered under Sections 148, 149, 323, 324, 452, 506 (Section 326 IPC added later on) at Police Station Ambala, District Ambala.

On 20.01.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.240 dated 19.11.2021 registered under Sections 148,149,323,324,452,506 IPC (326 IPC added later on) at Police Station Ambala Sadar, District Ambala.

Learned counsel for the petitioners argues that there are six accused in the present case and co-accused, namely, Vicky Kumar and Jasbir Singh have already been granted the concession of interim bail by a Coordinate Bench of this Court vide order dated 04.01.2022 passed in CRM No.M-54779 of 2021 and therefore, the petitioners may be extended the concession of anticipatory bail on the ground of parity as they are ready to join

the investigation and co-operate after joining the same.

Notice of motion.

Mr. Gaurav Bansal, 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 State submits that in fact the allegations against the petitioners are serious as grievous injuries have been inflicted upon the victim, although the State counsel concedes the factum that similarly situated co-accused have already been extended the concession of anticipatory bail by a Coordinate Bench of this Court.

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

In the case of similarly situated co-accused, namely, Vicky Kumar and Jasbir Singh, a Coordinate Bench of this Court passed the following order in CRM No.M-54779 of 2021 dated 04.01.2022:

“Apprehending their arrest in FIR No.240 dated 19.11.2021, registered under Sections 148,149,323,324,452,506 (326 added later on) of the IPC at Police Station Sadar Ambala, District Ambala, petitioners seek pre-arrest bail.

Learned counsel for the petitioners inter alia contends that no specific injury has been attributed to the petitioners.

Notice of motion for 27.01.2022.

On the asking of the Court, Mr. Naveen Singh Panwar, DAG, Haryana, appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the arresting officer/investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

Once, it is not disputed by the State counsel that the allegations against the petitioners are identical to that of Vicky Kumar and Jasbir Singh, who are co-accused in the same FIR, on the ground of parity, the petitioners have made out a case for the

grant of anticipatory bail as they have undertaken to join and cooperate with the investigation.

Petitioners are directed to join the investigation forthwith.

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 him 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 30.03.2022.

It is, however, made clear that after the petitioners join the investigation, in case any incriminating material comes against the petitioners, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioners in case, the same is needed.

January 20, 2022 **(HARSIMRAN SINGH SETHI)**
JUDGE"

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have joined investigation. He has pointed out that Vicky Kumar and Jasbir Singh have been granted anticipatory bail by a coordinate bench of this Court on 28.01.2022.

Learned State counsel, on instructions from SI Suresh Kumar, has submitted that the petitioners have joined investigation on 27.01.2022 and are not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 20.01.2022,

and also the fact that the petitioners have joined the investigation and are not required for further investigation, the present petition is allowed and the interim order dated 20.01.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

March 30, 2022
Davinder Kumar

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