

CRM-M-2404-2022

Date of Decision:04.03.2022

Isrann and another

.....Petitioners

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGHPresent: Mr.G.C.Shahpuri, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)Case heard *via* video conference.

On 20.01.2021, the following order was passed by this court (co-ordinate bench):-

“Heard through video conferencing.

The petitioners are seeking anticipatory bail in FIR No. 310 dated 30.12.2021, under Sections 323 and 506 of the Indian Penal Code, 1860, besides Sections 3(1)(r) and 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (‘SC&ST Act’ - for short), registered at Police Station Chhachhrauli, District Yamuna Nagar.

Learned counsel for the petitioners contends that the FIR has been registered by the husband of the Sarpanch wherein it is alleged that he had tried to stop the petitioners from cutting trees from the ‘panchayat’ land and they had manhandled him. The petitioners have been implicated, as they belong to a rival political faction and father of petitioner No. 2, namely, Wahid Khan intends to contest the upcoming panchayat elections. Wahid Khan has also been arraigned as an accused and has been granted regular bail by the trial Court. He also contends that the injuries are simple in nature. There is no allegation which would constitute a prima facie case for the alleged commission of offence against the petitioners.

Issue notice to the respondent.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the respondent.

List on 18.02.2022.

In the meantime, the petitioners are directed to appear before the investigating/arresting officer and join investigation.

In the event of their arrest, the investigating/arresting officer shall release the petitioners on ad interim bail subject to his satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

Today, learned State counsel submits, on instructions from Sh. Pramod Kumar, DSP, that the petitioners having joined investigation their custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 20.01.2021, made absolute on the same terms and conditions.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

March 04, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO