

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3869-2020 (O&M)

Date of Decision:-22.8.2022

Roshan Lal and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Hari Om Sharma, Advocate for the petitioners.

Mr. Rahul Mohan, DAG, Haryana,
assisted by SI Wazir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.287 dated 23.6.2019, Police Station Shahabad, Kurukshetra under Sections 148, 149, 323, 324, 341 and 506 of Indian Penal Code, wherein the allegations are broadly to the effect that the complainant Rakesh Kumar had been inflicted injuries by the petitioners and other accused.
2. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that infact it is a case of cross-versions i.e. FIR No.291 dated 24.6.2019, Police Station Shahbad, Markanda, under Sections 323, 34, 506 of Indian Penal Code and Section 3 of SC/ST Act, wherein after investigation the challan had already been presented against opposite party, whereas the petitioners till date have not been challaned.

3. On the other hand, learned State counsel has submitted that since there are specific allegations against the petitioners, no case for grant of anticipatory bail is made out. Learned State counsel has, however, not disputed that it is a case of cross-versions. Learned State counsel has submitted that pursuant to interim directions, the petitioners have joined investigation but the weapon of offence i.e. '*cutter*' used in commission of offence has not been recovered so far.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the fact that it is a case of cross-versions, wherein challan has already been presented against the opposite party and while also noticing that the petitioners have already joined investigation, custodial interrogation of the petitioners cannot be insisted upon merely on the ground that weapon allegedly used for commission of offence has not been recovered. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 29.1.2020 are hereby made absolute, subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

22.8.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No