

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

CRM-M-20589-2022 (O&M)
Date of Decision:-27.9.2022

Karan Singh and others ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Majra, Advocate for the petitioners.

Mr. Krishan K. Chahal, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.588 dated 19.8.2019 at Police Station Assandh, District Karnal, under Sections 302, 452, 506, 34, 120-B of Indian Penal Code and Section 25 of Arms Act.
2. At the time of issuance of notice of motion, the following order was passed on 13.5.2022:

“The petitioners, who have been summoned with the aid of Section 319 Cr.P.C. so as to face trial alongwith other co-accused, seek grant of anticipatory bail in a case arising out of FIR No.588 dated 19.8.2019, Police Station Assandh, District Karnal, under Sections

302, 452, 506, 34, 120-B of Indian Penal Code and Section 25 of Arms Act.

Learned counsel for the petitioners submitted that although the complainant admittedly knew the petitioners but in the FIR she has not stated a word that any of the three assailants was any of the petitioner. Learned counsel has further submitted that, in any case, since the petitioners have been summoned with the aid of Section 319 Cr.P.C., it goes without saying that the investigation is already complete and, in these circumstances, they would not be required for any kind of interrogation and, as such, their custody is not required.

Notice of motion for 27.9.2022.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

3. Reply by way of affidavit of Sh. Gaurav Raj Purohit, IPS, Additional Superintendent of Police, Assandh, District Karnal has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioners has submitted that pursuant to interim directions, the petitioners have surrendered before the trial Court and have been released on interim bail.
5. On the other hand, learned State counsel has opposed the petition and has submitted that having regard to the serious nature of the offence i.e. offence under Section 302 IPC, no case for grant of anticipatory bail is made out.
6. This Court has considered rival submissions.

7. Keeping in view the fact that the petitioners have been summoned with the aid of Section 319 Cr.P.C. and have already surrendered before the trial Court, it goes without saying that it is not a case where their custodial interrogation would be required at this stage.
8. The petition, as such, is accepted and the interim bail as granted to the petitioners by this Court vide order 13.5.2022 is affirmed. The trial Court shall, however, be at liberty to impose any other condition as deemed necessary so as to ensure regular appearance of the petitioners before the trial Court. It shall even be open to the trial Court to insist upon any fresh bail bonds, if required.

27.9.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No