

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(211-1)

CRM-M-23139-2022

Date of decision: - 31.08.2022

Sunil Kumar and others

....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. R.S. Mamli, Advocate,
for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.245 dated 29.04.2022, under Sections 147, 149, 323, 325, 452 and 506 of the Indian Penal Code, 1860, registered at Police Station City Fatehabad, District Fatehabad.

On 26.05.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The petitioners have approached this Court under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.0245 dated 29.04.2022 under Sections 147, 149, 323, 325, 452, 506 of the Indian Penal Code, 1860, registered at Police Station City Fatehabad, District Fatehabad.

At the very outset, learned counsel appearing on behalf of the petitioners, when confronted with the fact that petitioner No.3-

Ramphal has been attributed injury under Section 325 IPC, submits that he does not wish to press the instant petition qua petitioner No.3-Ramphal and would confine his prayer only qua the remaining petitioners i.e. petitioner No.1-Sunil Kumar and petitioner No.2-Deepak.

Learned counsel inter alia contends that the petitioners are related to Renu Bala wife of Deepak(son of the complainant). It is contended that there was a maltreatment extended to Renu Bala by her in-laws as a result whereof a Panchayat had been convened and that the petitioners had gone to the police in order to resolve the matrimonial issues between the husband, wife and the in-laws. A minor scuffle thereafter started in the said negotiation. It is submitted that no specific injury has been attributed to petitioner No.1, whereas simple injury is attributed to petitioner No.2. It is argued that the petitioners are ready and willing to join the investigation and they have no criminal antecedents.

Notice of motion.

Mr. Ashish Yadav, Addl. A.G., Haryana, who is present in the Court accepts notice on behalf of the respondent-State.

To come up for further consideration on 31.08.2022.

In the meanwhile, the petitioner No.1-Sunil Kumar and petitioner No.2-Deepak are directed to join investigation as and when so required by the Investigating Agency. In the event of petitioners joining investigation, they shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

To be heard along with CRM-M-20535-2022.

(VINOD S. BHARDWAJ)
JUDGE

May 26, 2022"

Learned counsel for the petitioners has submitted that in pursuance of the above-said order, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Ram Chander, has submitted that the petitioners have joined the investigation and are not required for further investigation.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 26.05.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 26.05.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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 application.

August 31, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No