

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

(1) CRM-M-30275-2022 (O&M)

Ojender Singh ... Petitioner

Versus

State of Haryana ... Respondent

(2) CRM-M-31437-2022 (O&M)

Lata and others ... Petitioners

Versus

State of Haryana ... Respondent

Date of Decision:-15.11.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anhul Singh, Advocate for the petitioner
in CRM-M-30275-2022.

Mr.Nihul Pratap Singh, Advocate for the petitioners
in CRM-M-31437-2022.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of Ojender Singh, Lata, Kiran, Pintu, Prahlad and Sonu @ Sanjay seeking grant of anticipatory bail in a case registered vide FIR No. 132 dated 11.5.2021 under Sections 148, 149, 302, 323, 379-B, 427, 452/34 IPC at Police Station Chandhuth District Palwal, Haryana wherein they have been summoned with the aid of Section 319 Cr.P.C.

2. At the time of issuance of notice of motion on 15.7.2022 in CRM-M-30275-2022, the following order was passed :-

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.132, dated 11.5.2021, Police Station Chandhut, District Palwal, Haryana, under Sections 148, 149, 302, 323, 379-B, 427, 452 IPC, wherein he has been summoned with the aid of Section 319 Cr.P.C.

Learned counsel for the petitioner submits that it is a case where as many as 10 persons of the same family have been arrayed as accused on account of death of Kranti wherein allegations have been levelled that all the accused caused injuries whereas the deceased was found to be sustaining a single injury only.

Learned counsel has submitted that the complainant while arraying the accused did not even spare the married daughter of the main accused and that the petitioner happens to be the son-in-law who was never ever present at the spot.

It has been submitted that the matter was thoroughly investigated by the police wherein the call detail record/tower location record of the accused were also taken into account and consequently three persons were summoned while the remaining were kept in column No.2. It has been submitted that the petitioner who is son-in-law of the family was kept in column No.2, but subsequently has been summoned with the aid of Section 319 Cr.P.C. It has been submitted that no useful purpose would be served by detaining the petitioner behind bars as investigation in any case already stands concluded.

Notice of motion for 11.10.2022.

The petitioner is directed to appear before the learned trial Court within a period of 15 days from today. Upon his appearance before the trial Court, he shall be released on interim bail subject to his furnishing bail bonds and surety bonds to its satisfaction.”

3. Even in the other case i.e. in CRM-M-31437-2022, this Court while issuing notice of motion on 21.7.2022 had ordered for issuance of similar interim directions.
4. The learned counsel representing the petitioners have informed that pursuant to interim directions issued by this Court, the petitioners have appeared

before the trial Court and furnished bail bonds. The aforestated position is not disputed by the learned State counsel.

5. In view of the fact that the petitioners have been summoned with the aid of Section 319 Cr.P.C., it goes without saying that the petitioners are not required to be associated with any investigation at this stage or for subjecting them to custodial interrogation. Since the petitioners have appeared before the trial Court and have furnished bail bonds, their custody is not warranted.
6. Both the petitions, as such, are accepted and the interim directions issued by this Court vide order dated 15.7.2022 and 21.7.2022 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.
7. A photocopy of this order be placed on the file of connected case.

15.11.2022

kamal

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No