

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30382-2022
Date of decision:29.08.2022

Nasim Ahmed and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Saleem Ahmed, Advocate for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.71 dated 09.03.2022 registered under Sections 148, 149, 323, 324, 341, 427, 452, 506 IPC and later on added Section 326 IPC at Police Station Utawar, District Palwal.

On 18.07.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the present case is a case of version and cross-version and initially, it is petitioner No.2 who got FIR No.65 dated 05.03.2022 registered for the injuries caused to the party belonging to the petitioners' side and as per the MLR of petitioner No.2, he had suffered four injuries, out of which, injury Nos.1 and 2 had been inflicted with a sharp edged weapon. It is further submitted that after a delay of four days after registration of the said FIR, present cross FIR has been registered on 09.03.2022. It is contended that no specific injury has been attributed to petitioner No.1. It is further contended that as far as injury inflicted by petitioner No.2 on the chest of Tofique is concerned, there is no injury on the chest of Tofique. It is argued that initially in FIR bearing No.71 dated 09.03.2022, offence under Section 326 of IPC had not been added and thereafter, the petitioners joined the investigation and it is only subsequent to the same that the

offence under Section 326 of IPC has been added with respect to the injuries which have been attributed to co-accused Abdul Rehman, who has already been arrested.

Notice of motion for 29.08.2022.

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

(VIKAS BAHL)
JUDGE”

18.07.2022

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

Learned State counsel, on instructions from H.C. Om Kumar, has submitted that the petitioners have joined investigation and are not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 18.07.2022, and also the fact that the petitioners have joined the investigation and are not required for further investigation, the present petition is allowed and the interim order dated 18.07.2022 is made absolute.

Nothing stated above shall be construed as an 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 petition.

(VIKAS BAHL)
JUDGE

August 29, 2022

ishwar singh

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No