

CRM-M-35235 of 2021

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202-2

CRM-M-35235 of 2021
Date of decision:06.05.2022

Dinesh and others

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Praveen Kumar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Aditya Sanghi, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioners in case FIR No.95 dated 19.04.2021 registered under Sections 148, 149, 323, 324, 452, 506 of Indian Penal Code, 1860, however, Section 427 IPC was added later on, at Police Station Hathin, District Palwal.

On 10.09.2021, this Court passed the following order:-

“The status report filed by the State is taken on record.

Learned counsel for the petitioners does not press the present petition qua petitioner No.1.

Dismissed as not pressed qua petitioner No.1.

Seeking anticipatory bail qua petitioner Nos.2, 3 and 4, learned counsel for the petitioners inter-alia contends that the petitioners have been falsely implicated in this case at the behest of the complainant; the petitioners have no criminal background; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, only simple injuries are attributed to the petitioners and that the petitioners are also ready and willing to join investigation as and when called by the investigating agency.

Notice of motion.

Mr.Rahul Mohan, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 06.12.2021.

In the meanwhile subject to the petitioner Nos.2, 3 and 4's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of their arrest in FIR No.95, dated 19.04.2021, registered under Sections 148, 149, 323, 324, 427, 452 and 506 IPC at Police Station Hathin, District Palwal, petitioner Nos.2, 3 and 4 shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Upon instructions from SI Vineet and HC Mam Chand, State counsel submits that petitioners No.2, 3 and 4 have joined investigation,

recovery has been effected from them and they are no longer required for the custodial interrogation.

Counsel representing the complainant has opposed the confirmation of the interim bail.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 10.09.2021 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

May 06, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No