

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-35387 of 2021
Date of Decision:-17.01.2022**

Sushil Kumar @ Sushil Sharma and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE MANJARI NEHRU KAUL

(Proceedings conducted through video conferencing)

Present :- Mr. G.B.S. Dhillon, Advocate
for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

MANJARI NEHRU KAUL J.(Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 81 dated 30.05.2021 under Sections 323, 354-B, 34 IPC registered at Police Station Kalka, District Panchkula.

Learned counsel submits that it is a case of version and cross-version in which both the petitioners along with their mother received grievous injuries at the hands of the complainant party. In support of his contention, learned counsel has invited the attention of this court to the MLRs of the petitioners, which are annexed as Annexures P2 to P4 with this petition. Learned counsel submits that in fact a perusal of the FIR in

question, which was registered subsequent to the FIR registered by the petitioner against the complainant, reveals that no offence under Section 354-B IPC is made out against the petitioner.

Learned counsel for the petitioners submits that vide order dated 27.8.2021, the petitioners had been directed to join investigation. He submits that in compliance of the aforementioned order, the petitioners had joined the investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from SI Mukesh Kumar, does not dispute the factum of the petitioners having joined the investigation as well as it being a case of version and cross-version wherein both the parties have received injuries at the hands of each other. Learned State counsel on instructions submits that the petitioners are not required for further investigation, much less, for their custodial interrogation.

In view of the above, the petition is allowed and interim order dated 27.8.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

January 17, 2022
Vijay Asija

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No