

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

202

CRM-M-50561-2021

Date of decision: 04.03.2022

OM PARKASH AND OTHERS

.....PETITIONERS

Versus

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Ms. Rinky Gupta, Advocate
for Mr. Paramjit Singh Jammu, Advocate
for the petitioners.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent/State.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioners, in case, FIR No. 229 dated 17.10.2021 registered under Sections 323, 506 and 34 of the Indian Penal Code, 1860 at Police Station N.S.Chopta, District Sirsa.

While issuing notice of motion on 03.12.2021, this Court granted interim anticipatory bail to the petitioners with direction to join the investigation. Relevant part of order dated 03.12.2021 reads as under :-

“The allegation against the petitioners is that they went to the field of the complainant and caused injuries to him and his family members with wooden logs.

It is contended that the petitioners have been falsely implicated in the instant FIR. The complainant party had occupied 15 kanal land of petitioners and had agreed in Panchayat to hand over the possession of the said land after cotton crop, but when the petitioners tried to cultivate the said land, complainant party attacked and caused

injuries to the petitioners and with regard to the same, an FIR No.230 dated 17.10.2021 has been got registered under Sections 147, 148, 149, 323 and 506 IPC by petitioner No.2 against the complainant party.

Notice of motion for 04.03.2022.

Mr. Amreek Singh Narwal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

In the meanwhile, petitioners are directed to join the investigation. In the event of arrest, petitioners shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

(i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;

(ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioners shall not leave India without the previous permission of the Court.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioners has, while reiterating submissions made on 03.12.2021, submitted that in compliance with order dated 03.12.2021, the petitioners have joined the investigation and they may be granted anticipatory bail as their custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from S.I. Munish Yadav, acknowledged that in compliance with order dated 03.12.2021 passed by this Court, the petitioners have joined the investigation and that their custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioners is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 03.12.2021 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

04.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No