

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

(I) **CRM-M-50441-2021 (O&M)**
Date of Decision:- 28.4.2022

Ramu ... Petitioner

Versus

State of Haryana ... Respondent

(II) **CRM-M-51247-2021 (O&M)**

Rajender ... Petitioner

Versus

State of Haryana ... Respondent

(III) **CRM-M-51724-2021 (O&M)**

Ghanshyam and others ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lalit Kumar, Advocate, for the petitioner(s).

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Bhoop Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Ramu, Rajender, Ghanshyam, Hari Om and Pardeep, seek grant of anticipatory bail in a case registered vide FIR No. 788 dated 5.11.2021 at Police Station Rohtak City, District Rohtak, Haryana under Sections 148, 149, 323, 324, 506 of Indian Penal Code, wherein offence under Section 307 IPC was added later on.
2. At the time of issuance of notice of motion in CRM-M-50441-2021 the following order was passed on 2.12.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.788 dated 5.11.2021 at Police Station Rohtak City, District Rohtak, Haryana under Sections 148, 149, 323, 324, 506 of Indian Penal Code, wherein offence under Section 307 IPC was added later on.

The FIR was lodged at the instance of Mohit, who has alleged that on 4.11.2021 when he had gone to the house of his uncle at about 9:00 p.m. on the eve of Diwali Festival, Tulsi, Pardeep and Rajender, all sons of Ram Kumar, Parveen and Amarjit Singh neighbours of his uncle were hurling abuses in the street under influence of liquor. When complainant's uncle Hari Om objected to the same, they started quarreling with his uncle. Upon hearing noise, the complainant and his cousins Naresh and Sonu came in the street. It is alleged that Parveen and Amarjit Singh had caught hold of the complainant while Tulsi gave a

blow with 'ustraa' (a long knife used for shaving) on the complainant's neck and on his head. When Naresh and Sonu tried to rescue him, Tulsi gave a blow with knife on the head of Sonu as well. It is further alleged that Ramu and his sons Hari Om and Ghanshyam threw bricks and stones from roof and thereafter the accused fled away from the spot while issuing threats to eliminate them.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the falsity of the allegations would be evident from the fact that although the petitioner and his two sons are alleged to have thrown bricks and stones from the roof top, but no injury with any brick or stone is evident from the MLR, which shows that only 2 injuries were sustained by the complainant. It has further been submitted that it is highly unlikely when two groups are fighting in the street, then someone from the roof would throw stones or bricks at them as the same would also involve the risk that the bricks or stones could hit the side of the accused as well, who are fighting on the ground floor.

Notice of motion for 21.4.2022.

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

3. Even in the other cases i.e. CRM-M Nos.51247 & 51724 of 2021, this Court while issuing notice of motion ordered for grant of interim bail to the petitioner(s) while directing them to join investigation vide orders dated 7.12.2021 and 13.12.2021 respectively.
4. Learned State counsel, upon instructions from ASI Bhoop Singh, has informed that pursuant to interim directions, the petitioners have joined investigation and are not required for any custodial interrogation.
5. Having regard to the aforestated position wherein the petitioners have joined investigation and are not required for any custodial interrogation, the petitions are accepted and the interim directions issued by this Court vide order dated 2.12.2021, 7.12.2021 and 13.12.2021 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.
6. A photocopy of this order be placed on the file of each connected case.

28.4.2022

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No