

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

CRM-M-53236-2021

Date of Decision: 09.02.2022

Bansi Lal and othersPetitioners

Vs.

State of HaryanaRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Mayank Goyal, Advocate,
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conference.

On 20.12.2021, the following order had been passed by this court:-

“By this petition, the petitioners seek the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.246, dated 01.11.2021, having been registered at Police Station Nathusari Chopta, District Sirsa, alleging therein the commission of offences punishable under the provisions of Sections 148/149/323/324/341/506 of the IPC. Though otherwise with injuries also having been caused after a threat was allegedly meted out, thereby attracting the provisions of Section 506 of the IPC, however with learned counsel for the petitioner submitting that the complainant is the brother of petitioner no.1, notice of motion is issued.

Mr. Neeraj Poswal, AAG, Haryana, accepts notice at the asking of the court on behalf of respondent State.

A copy of the petition be supplied to him today itself by learned counsel for the petitioners.

The complainant in the FIR is ordered to be impleaded as respondent no.2 in the petition, with the Registry directed to carry

out the necessary correction in the memo of parties after taking his particulars from the copy of the FIR (Annexure P-1).

Notice be also issued to the newly added respondent, returnable on 24.01.2022.

Dasti also.

In the meanwhile, the petitioners would join investigation within one week and if, upon them so joining, they are sought to be arrested, they shall be released on interim bail, upon them furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

They shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioners in investigation, they would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioners in investigation, in terms of the order of this court.

A gazetted officer is directed to file an affidavit stating therein whether there are any other criminal cases registered against the petitioners, of like nature or otherwise.

It is made clear that if respondent no.2 is not shown to be served with the notice issued, the interim order would stand vacated on the next date of hearing without any further order required to be passed in that regard.”

A reply dated 18.01.2022, has been filed by the DSP, Sirsa, which is ordered to be taken on record.

As per the said reply the weapons alleged to have been used in the commission of the offence have been recovered though eventually it is stated that the petition be dismissed.

However, learned State counsel submits that in view of the above, his instructions from the investigating officer, i.e. ASI Vishal, are that the petitioners' custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, this petition is allowed, with the order dated 20.12.2021, made absolute on the same terms and conditions.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

February 09, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES

Whether Reportable : NO