

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12750-2023 (O&M)

Date of Decision: 22.05.2023

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Sewak Ram @Vakil and Anr.

.....*Petitioners*

Versus

State of Haryana and Anr.

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Rajesh Duhan, Advocate
for the applicants-petitioners.

Mr. Karan Sharma, DAG, Haryana.

Mr. Arun Gupta, Advocate for
Mr. Rakesh Gupta, Advocate
for the complainant.

GURBIR SINGH, J (ORAL)

CRM-14579-2023

Present application has been filed by the applicants-petitioners with a prayer to place on record the order dated 03.02.2023 and order dated 21.03.2023 as Annexures P-8 and P-9 respectively whereby bailable warrants of arrest have been issued against the petitioners.

Allowed as prayed for.

Orders dated 03.02.2023 and 21.03.2023 Annexures P-8 and P-9 are taken on record. Registry to tag at appropriate place in the file.

Main case

The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR

registered at police station Butana, District Karnal.

Reply by way of affidavit of Veer Singh, HPS, Deputy Superintendent of Police, City Karnal, on behalf of respondent-State, is filed in Court today. The same is taken on record.

Learned counsel for the petitioners submits that the petitioners were summoned under Section 319 Cr. P.C. to face trial for commission of offence punishable under Sections 323, 325, 307, 506 and 34 IPC. He further submits that the names of the petitioners are kept in column No.2 of the FIR. Although, they are named in the FIR, but no specific injury was attributed to them. Now, non-bailable warrants have been issued against the petitioners.

Learned State counsel as well as counsel for the complainant have opposed the prayer for grant of anticipatory bail to the petitioners. They have submitted that the petitioners were named in the FIR. The petitioners caught hold of the brother of the complainant and other accused caused injuries to him.

Heard.

Although, petitioners are named in the FIR but main injury is attributed to the co-accused Deepak Kumar. The petitioners were kept in column No.2 of the challan. Vide order dated 12.10.2022, the petitioners were summoned under Section 319 Cr. P.C. to face trial. The custodial interrogation of the petitioners is not required and no recovery is to be effected from them. The culpability of the petitioner would be decided during the trial of the case. No useful purpose would be served by detaining the petitioners behind bars any further. Accordingly, the present petition is

disposed of and the petitioners are directed to surrender within *two weeks* before the concerned trial Court/Duty Magistrate. On their appearance and on their filing application for bail, they shall be admitted to bail on their furnishing bail bonds/surety bonds, to the satisfaction of the concerned Trial Court/Duty Magistrate.

22.05.2023

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No