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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 18998 of 2023
Date of Decision: 30.05.2023

Ubesh and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Mohd. Shahid Hussain, Advocate for petitioners.

Mr. Farukh Abdullah, Advocate for the complainant.

Mr. Vishal Malik, DAG, Haryana

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SANJIV BERRY, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners in FIR No.247, dated 02.12.2022 under Sections 148, 149, 285, 427, 506 and 452 (deleted later on) of IPC and Section 25 of Arms Act 1959, registered at Police Station Uttawar, District Palwal.

2. It has been contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case and no injuries have been attributed to them. He submitted that in pursuance to the order dated 19.04.2023 the petitioners have already joined the investigation as such he prayed for making the interim bail absolute.

3. On the other hand the learned counsel for the complainant has

opposed the prayer by arguing that the accused along with other co-accused had attacked the complainant party after trespassing in the house and considering the nature and gravity of the allegations, the petitioners do not deserve the concession of anticipatory bail.

4. The learned State counsel on instructions from ASI Amar Singh has submitted that the present petitioners have already joined investigation in pursuance to the order of this Court and the requisite interrogation has been made. He submits that the petitioners are no more required for further investigation. He further points out that there were 22 accused nominated in the present FIR out of whom 3 have been declared innocent and 5 others have been granted concession of bail by learned Sessions Court.

5. Therefore, from the above facts and circumstances it is evident that no injury has been attributed to the present petitioners who have already joined the investigation in pursuance to the order dated 19.04.2023 passed by this Court. Further, as the petitioners are no more required for further investigation as per the instructions conveyed by learned State counsel, I deem it a fit case where concession of anticipatory bail can be granted to the petitioner.

6. Consequently, the interim bail granted vide orders dated 19.04.2023 to the petitioners is hereby made absolute, subject, however to the petitioners abiding by the provisions as envisaged under Section 438(2) Cr.P.C.

7. The petitioners are further directed to join the investigation in future as and when so required and shall not tamper with the evidence in any manner. They shall also not leave the country without prior permission of

the trial Court.

8. Anything stated here in above, shall not be construed as the opinion of this Court on merits of the case.

(SANJIV BERRY)
JUDGE

30.05.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |