

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

(206)

CRM-M-25178-2023

Date of Decision : July 21, 2023

Mohit Kumar and another**.. Petitioners****Versus****State of Haryana****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Tanu Priya Singh, Advocate, for
Mr. Keshav Pratap Singh, Advocate, for the petitioners.

Mr. Surender Singh, Assistant Advocate General, Haryana.

Mr. Manish Soni, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

1. The petitioners are seeking anticipatory bail in FIR No.111 dated 09.03.2023 registered under Sections 147, 148, 149, 323, 325, 427, 506 and 307 of the Indian Penal Code, 1860 at Police Station City Sohna, District Gurugram.

2. Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by the Coordinate Bench of this Court dated 17.05.2023. Order dated 17.05.2023 is as under:-

“CRM-22606-2023

For the reasons mentioned in the application, the same is allowed subject to all just exceptions and the petitioners are exempted from filing certified/typed/more legible copies of Annexure P-1 to P-6 and the photocopies of the same are

taken on record.

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The petitioners have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.111 dated 09.03.2023 registered under Sections 147, 148, 149, 323, 325, 427, 506 and 307 of the Indian Penal Code, 1860 at Police Station City Sohna, District Gurugram.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. The only allegations against the petitioners are that they were armed with the dandas, lathi and iron rods. No specific injury has been attributed to the petitioners. Nothing is to be recovered from the petitioners and their custodial interrogation is not required in the case. The petitioners are already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Munish Sharma, D.A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and seeks time to complete his instructions.

Adjourned to 21.07.2023.

In the meanwhile, the petitioners are directed to join the investigation and appear before the Investigating Officer within 10 days from today and on their doing so, the petitioners shall be released on interim anticipatory bail subject to their furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) of the Cr.P.C. ”

3. Learned State counsel, on instructions from Mr. Naveen Sandhu, Assistant Commissioner of Police, Sohna, Gurugram, states that in terms of the order dated 17.05.2023 of the Coordinate Bench of this Court reproduced hereinbefore, the petitioners have joined the investigation and

no further interrogation of the petitioners is required at this stage.

4. Learned counsel for the petitioners undertakes that petitioners will join investigation and also cooperate with the investigating agency in case they are required for the same in future as well.

5. In view of the above, the order dated 17.05.2023 granting interim bail to the petitioners is made absolute.

6. However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join and cooperate in the investigation as and when called upon to do so.

7. In case at any given point of time hereinafter, it is felt by the investigating agency that petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

8. The present petition stands allowed.

July 21, 2023

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No