

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-26842-2023

Date of Decision:06.11.2023

Smt. Kanta and Others

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sanjiv Gupta, Advocate
for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(ORAL)

On 02.06.2023, following order was passed:

“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.132 dated 07.04.2023 registered under Sections 323, 379, 506 and 34 of the Indian Penal Code, 1860 at Police Station Dabwali Sadar, District Sirsa.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. There is a property dispute between the parties. The injuries attributed to the petitioners are simple in nature. The offences are triable by learned Judicial Magistrate First Class. 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.

Learned State counsel seeks time to file reply.

Adjourned to 18.08.2023.

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”

It was informed on 18.08.2023, petitioner No.3 has not joined the investigation. Today, it is informed by learned State counsel that though petitioner No.3 has since joined the investigation, however, he is not co-operating in the same. Simply because, petitioner No.3 is not getting any recovery effected as is contended by learned State counsel, which is a subject-matter of trial, anticipatory bail cannot be declined in the facts & circumstances of this case.

As such order dated 02.06.2023 is hereby made absolute, whereby petitioners were granted interim anticipatory bail in case FIR No.132 dated 07.04.2023 registered under Sections 323, 379, 506 & 34 of the IPC, 1860 registered at Police Station Dabwali Sadar, District Sirsa.

However, the petitioners shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 06, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No