

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

**CRM-M-28570-2023 (O&M)
Date of decision : 25.09.2023**

Anurag Chawla and another

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajwant Singh Chahal, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioners in FIR No.209 dated 26.03.2023, under Sections 148, 149, 323, 324 of the Indian Penal Code, 1860 (Section 326, IPC added later on), registered at Police Station City Sirsa, District Sirsa.

(2) Above FIR was registered on the basis of statement made by complainant-Pankaj Kumar with the allegations that 4-5 days back, hot

words were exchanged between his son-Varun & Jaadu as well as his brother-Annu Chawla. After two days, Jaadu, Anu along with 4/5 other boys came outside his house and the complainant apologized for aforesaid occurrence. Thereafter, on 25.03.2023 at about 11:00 PM, when complainant was sleeping, he heard a noise of hitting brick against his main gate. Immediately, the complainant went to the roof and saw that Jaadu, Anu, their mother-Geeta along with 10-12 boys were standing and trying to come on the roof. Upon seeing complainant, all the accused started throwing empty bottles and brick bats towards him and due to that, he received injuries on eyes and face. Geeta asked the assailants, not to leave the complainant. On seeing the persons gathered from neighbourhood, all the accused fled away.

(3) The Coordinate Bench, vide order dated 01.06.2023, granted interim bail to the petitioners and which reads as under:-

“Present petition has been filed for grant of anticipatory bail to the petitioners in case FIR No.209 dated 26.03.2023 under Sections 323,324,326 (added later on), 148,149 IPC registered at P.S City Sirsa, District Sirsa.

It is contended that the petitioners have been falsely implicated in this case. From the bare reading of the allegations in the FIR, the petitioners have been shown to be a part of unlawful assembly and have not been attributed any specific injury. Learned counsel submits that even otherwise both the families are at loggerheads. In fact, the petitioners along with other residents had lodged a complaint against the son of the complainant for having indulged in illegal activities and creating ruckus outside his house under the influence of drugs. Present FIR is only a counterblast and that the petitioners have no criminal antecedents. It is further submitted that co-accused of the petitioners, i.e. mother has already been granted interim

relief by this Court vide order dated 18.05.2023 passed in CRM-M-25208-2023.

Notice of motion.

On asking of the Court, Mr.B.S.Virk, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Adjourned to 31.08.2023.

In the meanwhile, in the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation before the Investigating Agency/Officer. They shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so;

(ii) That the petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) That the petitioners shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioners have already joined the investigation and their custodial interrogation is not required.

(5) Learned State Counsel, on instructions from Inspector Pardeep Kumar, also acknowledged that petitioners have joined investigation and as on today, their custodial interrogation is not required.

(6) In view of above, interim order dated 01.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

- (7) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) Disposed off accordingly.

September 25th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>